

8262

2015-2016 Regular Sessions

I N A S S E M B L Y

June 16, 2015

Introduced by M. of A. PAULIN -- read once and referred to the Committee
on Codes

AN ACT to amend the penal law, in relation to aggravated promotion or
possession of an obscene sexual performance by a child

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The penal law is amended by adding a new section 263.12 to
2 read as follows:

3 S 263.12 AGGRAVATED PROMOTION OF AN OBSCENE SEXUAL PERFORMANCE BY A
4 CHILD.

5 1. A PERSON IS GUILTY OF AGGRAVATED PROMOTION OF AN OBSCENE SEXUAL
6 PERFORMANCE BY A CHILD WHEN, KNOWING THE CHARACTER AND CONTENT THEREOF,
7 HE PRODUCES, DIRECTS OR PROMOTES ANY OBSCENE PERFORMANCE WHICH INCLUDES
8 SEXUAL CONDUCT BY A CHILD AND INVOLVES EITHER:

9 (A) A CHILD WHO HAD NOT ATTAINED THE AGE OF THIRTEEN;
10 (B) MATERIAL THAT PORTRAYS SADISTIC OR MASOCHISTIC CONDUCT;
11 (C) STILL OR MOTION PICTURE IMAGES IN AN AMOUNT GREATER THAN OR EQUAL
12 TO SIX HUNDRED IMAGES; OR
13 (D) INTENT TO DERIVE PECUNIARY GAIN THEREFROM.

14 2. FOR THE PURPOSES OF PARAGRAPH (C) OF SUBDIVISION ONE OF THIS
15 SECTION, A MOTION PICTURE LESS THAN OR EQUAL TO THIRTY MINUTES IN DURA-
16 TION SHALL BE DEEMED TO CONTAIN SEVENTY-FIVE IMAGES AND, FOR EACH ADDI-
17 TIONAL TEN MINUTES IN DURATION, AN ADDITIONAL SEVENTY-FIVE IMAGES.

18 AGGRAVATED PROMOTION OF AN OBSCENE SEXUAL PERFORMANCE BY A CHILD IS A
19 CLASS C FELONY.

20 S 2. The penal law is amended by adding a new section 263.13 to read
21 as follows:

22 S 263.13 AGGRAVATED POSSESSION OF AN OBSCENE SEXUAL PERFORMANCE BY A
23 CHILD.

24 1. A PERSON IS GUILTY OF AGGRAVATED POSSESSION OF AN OBSCENE SEXUAL
25 PERFORMANCE BY A CHILD WHEN, KNOWING THE CHARACTER AND CONTENT THEREOF,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10029-01-5

1 HE KNOWINGLY HAS IN HIS POSSESSION OR CONTROL, OR KNOWINGLY ACCESSES
2 WITH INTENT TO VIEW, ANY OBSCENE PERFORMANCE WHICH INCLUDES SEXUAL
3 CONDUCT BY A CHILD AND INVOLVES EITHER:

- 4 (A) A CHILD WHO HAD NOT ATTAINED THE AGE OF THIRTEEN;
- 5 (B) MATERIAL THAT PORTRAYS SADISTIC OR MASOCHISTIC CONDUCT;
- 6 (C) STILL OR MOTION PICTURE IMAGES IN AN AMOUNT GREATER THAN OR EQUAL
7 TO SIX HUNDRED IMAGES; OR
- 8 (D) INTENT TO DERIVE PECUNIARY GAIN THEREFROM.

9 2. FOR THE PURPOSES OF PARAGRAPH (C) OF SUBDIVISION ONE OF THIS
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12 TIONAL TEN MINUTES IN DURATION, AN ADDITIONAL SEVENTY-FIVE IMAGES.

13 AGGRAVATED POSSESSION OF AN OBSCENE SEXUAL PERFORMANCE BY A CHILD IS A
14 CLASS D FELONY.

15 S 3. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.