S T A T E O F N E W Y O R K

1185

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. CURRAN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crimes of unlawful dissemination of an intimate image in the first and second degrees

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

Section 1. The section heading and the opening paragraph of section 250.40 of the penal law, as added by chapter 69 of the laws of 2003, are amended to read as follows:

Unlawful surveillance AND DISSEMINATION; definitions.

The following definitions shall apply to sections 250.45, 250.50, 250.55 [and], 250.60, 250.70 AND 250.75 of this article:

S 2. The penal law is amended by adding two new sections 250.70 and 250.75 to read as follows:

S 250.70 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE SECOND DEGREE.

A PERSON IS GUILTY OF UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE SECOND DEGREE WHEN, WITH INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, HE OR SHE INTENTIONALLY DISSEMINATES AN IMAGE OR IMAGES OF THE SEXUAL OR OTHER INTIMATE PARTS OF ANOTHER PERSON WITHOUT EXPLICIT CONSENT OF SUCH PERSON TO DISSEMINATE SUCH IMAGE.

UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 250.75 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST DEGREE.

A PERSON IS GUILTY OF UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE SECOND DEGREE AND HAS PREVIOUSLY BEEN CONVICTED WITHIN THE PAST TEN YEARS OF UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST OR SECOND DEGREE.

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

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UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST DEGREE IS A CLASS E FELONY.

S 3. Nothing in this act shall be construed to impose liability on an interactive computer service for content provided by another person. The term "interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.