

S T A T E   O F   N E W   Y O R K

---

1986

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 13, 2015

---

Introduced by M. of A. ABINANTI, GALEF, GRAF, MOSLEY, McDONOUGH --  
Multi-Sponsored by -- M. of A. ARROYO, ROBINSON -- read once and  
referred to the Committee on Codes

AN ACT to amend the penal law, in relation to restricting the right of  
an offender to use a computer in prison or access the internet if such  
offender has been convicted of certain sex offenses and used a comput-  
er in connection with the planning or execution of his or her crime

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

1     Section 1. Section 70.80 of the penal law is amended by adding a new  
2     subdivision 10 to read as follows:  
3     10. WHENEVER AN OFFENDER CONVICTED OF A FELONY SEX OFFENSE, AS DEFINED  
4     IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, OR A VIOLENT FELONY  
5     SEX OFFENSE, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS  
6     SECTION, UTILIZED A COMPUTER OR THE INTERNET IN THE PLANNING OR  
7     EXECUTION OF SUCH OFFENSE, THE COURT SHALL REQUIRE, AS MANDATORY CONDI-  
8     TIONS OF THE SENTENCE THEREFOR, THAT SUCH SENTENCED OFFENDER BE PROHIB-  
9     ITED FROM USING THE INTERNET TO ACCESS PORNOGRAPHIC MATERIAL, ACCESS A  
10    COMMERCIAL SOCIAL NETWORKING WEBSITE, COMMUNICATE WITH OTHER INDIVIDUALS  
11    OR GROUPS FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH PERSONS  
12    UNDER THE AGE OF EIGHTEEN, AND COMMUNICATE WITH ANY PERSON UNDER THE AGE  
13    OF EIGHTEEN WHEN SUCH OFFENDER IS OVER THE AGE OF EIGHTEEN, PROVIDED  
14    THAT THE COURT MAY PERMIT SUCH AN OFFENDER TO USE THE INTERNET TO COMMU-  
15    NICATE WITH A PERSON UNDER THE AGE OF EIGHTEEN WHEN SUCH OFFENDER IS THE  
16    PARENT OF A MINOR CHILD AND IS NOT OTHERWISE PROHIBITED FROM COMMUNICAT-  
17    ING WITH SUCH CHILD. AS USED IN THIS SUBDIVISION, A "COMMERCIAL SOCIAL  
18    NETWORKING WEBSITE" SHALL MEAN ANY BUSINESS, ORGANIZATION OR OTHER ENTI-  
19    TY OPERATING A WEBSITE THAT PERMITS PERSONS UNDER EIGHTEEN YEARS OF AGE  
20    TO BE REGISTERED USERS FOR THE PURPOSE OF ESTABLISHING PERSONAL  
21    RELATIONSHIPS WITH OTHER USERS, WHERE SUCH PERSONS UNDER EIGHTEEN YEARS  
22    OF AGE MAY (A) CREATE WEB PAGES OR PROFILES THAT PROVIDE INFORMATION

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

LBD06010-01-5

1 ABOUT THEMSELVES WHERE SUCH WEB PAGES OR PROFILES ARE AVAILABLE TO THE  
2 PUBLIC OR TO OTHER USERS; (B) ENGAGE IN DIRECT OR REAL TIME COMMUNI-  
3 CATION WITH OTHER USERS, SUCH AS A CHAT ROOM OR INSTANT MESSENGER; AND  
4 (C) COMMUNICATE WITH PERSONS OVER EIGHTEEN YEARS OF AGE; PROVIDED,  
5 HOWEVER, THAT, FOR PURPOSES OF THIS SUBDIVISION, A COMMERCIAL SOCIAL  
6 NETWORKING WEBSITE SHALL NOT INCLUDE A WEBSITE THAT PERMITS USERS TO  
7 ENGAGE IN SUCH OTHER ACTIVITIES AS ARE NOT SPECIFIED IN THIS SUBDIVI-  
8 SION.  
9 S 2. This act shall take effect on the ninetieth day after it shall  
10 have become a law.