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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

(A) A CHILD WHO HAD NOT ATTAINED THE AGE OF THIRTEEN;

(B) MATERIAL THAT PORTRAYS SADISTIC OR MASOCHISTIC CONDUCT;

(C) STILL OR MOTION PICTURE IMAGES IN AN AMOUNT GREATER THAN OR EQUAL TO SIX HUNDRED IMAGES; OR

(D) INTENT TO DERIVE PECUNIARY GAIN THEREFROM.

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

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

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

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

1. A PERSON IS GUILTY OF AGGRAVATED POSSESSION OF AN OBSCENE SEXUAL 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.

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

(A) A CHILD WHO HAD NOT ATTAINED THE AGE OF THIRTEEN;

(B) MATERIAL THAT PORTRAYS SADISTIC OR MASOCHISTIC CONDUCT;

(C) STILL OR MOTION PICTURE IMAGES IN AN AMOUNT GREATER THAN OR EQUAL TO SIX HUNDRED IMAGES; OR

(D) INTENT TO DERIVE PECUNIARY GAIN THEREFROM.

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

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

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.