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

2068

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of unlawful publication of an intimate image of a minor 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 PUBLICATION; 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 PUBLICATION OF AN INTIMATE IMAGE OF A MINOR IN THE SECOND DEGREE.

A PERSON IS GUILTY OF UNLAWFUL PUBLICATION OF AN INTIMATE IMAGE OF A MINOR IN THE SECOND DEGREE WHEN, HE OR SHE INTENTIONALLY PUBLISHES AN IMAGE OR IMAGES OF THE SEXUAL OR OTHER INTIMATE PARTS OF A MINOR UNDER THE AGE OF SIXTEEN YEARS WITHOUT EXPLICIT CONSENT OF THE PARENT OR GUARDIAN OF SUCH MINOR TO PUBLISH SUCH IMAGE.

UNLAWFUL PUBLICATION OF AN INTIMATE IMAGE OF A MINOR IN THE SECOND DEGREE IS A CLASS B MISDEMEANOR.

S 250.75 UNLAWFUL PUBLICATION OF AN INTIMATE IMAGE OF A MINOR IN THE FIRST DEGREE.

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

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.