

2990

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sens. YOUNG, CROCI, DeFRANCISCO, GOLDEN, O'MARA, RANZEN-
HOFER -- 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 prohibiting the dissem-
ination of any image of a person to an obscene internet website, with-
out such person's knowledge or consent

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

1 Section 1. Section 250.55 of the penal law, as amended by chapter 193
2 of the laws of 2014, is amended to read as follows:
3 S 250.55 Dissemination of an unlawful surveillance image in the second
4 degree.
5 A person is guilty of dissemination of an unlawful surveillance image
6 in the second degree when [he]:
7 1. HE or she, with knowledge of the unlawful conduct by which an image
8 or images of the sexual or other intimate parts of another person or
9 persons were obtained and such unlawful conduct would satisfy the essen-
10 tial elements of the crime of unlawful surveillance in the first or
11 second degree, as defined, respectively, in section 250.50 or 250.45 of
12 this article, intentionally disseminates such image or images[.]; OR
13 2. WITHOUT THE KNOWLEDGE OR CONSENT OF ANOTHER PERSON, HE OR SHE
14 DISSEMINATES AN IMAGE OF THAT PERSON WHICH HE OR SHE KNOWS IS OBSCENE,
15 TO A COMPUTER NETWORK INTERNET WEBSITE. FOR THE PURPOSE OF THIS SECTION,
16 "OBSCENE" SHALL HAVE THE SAME MEANING AS IT IS DEFINED IN SUBDIVISION
17 ONE OF SECTION 235.00 OF THIS PART. NOTHING IN THIS SUBDIVISION SHALL
18 BE CONSTRUED TO IMPOSE LIABILITY OR CULPABILITY ON AN INTERACTIVE
19 COMPUTER SERVICE AS DEFINED IN 47 U.S.C. 230(F)(2), OR AN INFORMATION
20 SERVICE OR TELECOMMUNICATION SERVICE AS DEFINED IN 47 U.S.C. 153, FOR
21 CONTENT PROVIDED BY ANOTHER PERSON.
22 Dissemination of an unlawful surveillance image in the second degree
23 is a class A misdemeanor.
24 S 2. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.

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

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