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

3142

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sen. FUNKE -- 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 crime of allurement of a minor through electronic means

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 two new sections 263.17 and 263.18 to read as follows:

S 263.17 ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE SECOND DEGREE.

ANY INDIVIDUAL WHO KNOWINGLY ENGAGES IN SEXUAL COMMUNICATION FOR THE PURPOSE, IN WHOLE OR SUBSTANTIAL PART, OF HIS OR HER OWN SEXUAL GRATIFICATION, INCLUDING TEXT MESSAGES OR PICTURES, WITH AN INDIVIDUAL WHOM HE OR SHE KNOWS TO BE A MINOR, THROUGH ANY ELECTRONIC MEANS SHALL BE GUILTY OF THE CRIME OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS. THE CRIME OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS SHALL NOT APPLY TO COMMUNICATIONS SENT FROM ONE MINOR TO ANOTHER, TO COMMUNICATIONS SENT BY A PERSON AGE TWENTY-ONE OR UNDER TO A PERSON AGE SEVENTEEN OR OLDER, NOR TO COMMUNICATIONS FROM A PERSON AGE EIGHTEEN TO A PERSON AGE FIFTEEN OR OVER.

ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 263.18 ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE FIRST DEGREE.

A PERSON IS GUILTY OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE SECOND DEGREE, AND HAS PREVIOUSLY BEEN CONVICTED OF SUCH CRIME WITHIN THE PRECEDING TEN YEARS.

ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE FIRST DEGREE IS A CLASS E FELONY.

S 2. This act shall take effect on the ninetieth day after 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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