

8174

I N S E N A T E

August 3, 2016

Introduced by Sens. KLEIN, SAVINO, AVELLA, CARLUCCI, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to prohibiting sex offenders from playing augmented reality games

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

1 Section 1. Paragraph (b) of subdivision 4-a of section 65.10 of the
2 penal law, as added by chapter 67 of the laws of 2008, is amended to
3 read as follows:
4 (b) When imposing a sentence of probation or conditional discharge
5 upon a person convicted of an offense for which registration as a sex
6 offender is required pursuant to subdivision two or three of section one
7 hundred sixty-eight-a of the correction law, and the victim of such
8 offense was under the age of eighteen at the time of such offense or
9 such person has been designated a level three sex offender pursuant to
10 subdivision six of section one hundred sixty-eight-1 of the correction
11 law or the internet was used to facilitate the commission of the crime,
12 the court shall require, as mandatory conditions of such sentence, that
13 such sentenced offender be prohibited from using the internet to access
14 pornographic material, access a commercial social networking website[,]
15 OR AUGMENTED REALITY GAME, communicate with other individuals or groups
16 for the purpose of promoting sexual relations with persons under the age
17 of eighteen, and communicate with a person under the age of eighteen
18 when such offender is over the age of eighteen, provided that the court
19 may permit an offender to use the internet to communicate with a person
20 under the age of eighteen when such offender is the parent of a minor
21 child and is not otherwise prohibited from communicating with such
22 child. Nothing in this subdivision shall be construed as restricting any
23 other lawful condition of supervision that may be imposed on such
24 sentenced offender. As used in this subdivision, a "commercial social
25 networking website" shall mean any business, organization or other enti-
26 ty operating a website that permits persons under eighteen years of age
27 to be registered users for the purpose of establishing personal

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

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1 relationships with other users, where such persons under eighteen years
2 of age may: (i) create web pages or profiles that provide information
3 about themselves where such web pages or profiles are available to the
4 public or to other users; (ii) engage in direct or real time communi-
5 cation with other users, such as a chat room or instant messenger; and
6 (iii) communicate with persons over eighteen years of age; provided,
7 however, that, for purposes of this subdivision, a commercial social
8 networking website shall not include a website that permits users to
9 engage in such other activities as are not enumerated herein. AS USED
10 IN THIS SUBDIVISION, "AUGMENTED REALITY GAME" MEANS A DIGITAL APPLICA-
11 TION OR GAME, TYPICALLY ACCESSED ON MOBILE DEVICES, INCLUDING BUT NOT
12 LIMITED TO: SMARTPHONES; TABLETS; OR AUGMENTED REALITY GLASSES; WHICH
13 CAUSES USERS TO PHYSICALLY MOVE TO AND/OR PERSONALLY INTERACT WITH
14 LOCATIONS OUTSIDE THE USER'S PLACE OF RESIDENCE FOR THE PURPOSE OF
15 ACHIEVING GOALS OR MOVING FROM PLACE TO PLACE WITHIN THE GAME.
16 S 2. This act shall take effect on the sixtieth day after it shall
17 have become a law.