STATE OF NEW YORK

462

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. PAULIN, GUNTHER, AUBRY, SCHIMMINGER, ZEBROWSKI, GALEF, ENGLEBRIGHT, BENEDETTO, ARROYO -- Multi-Sponsored by -- M. of A. COLTON, DINOWITZ, HOOPER, MAGEE, MAGNARELLI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to promoting an obscene sexual performance by a child in the first degree

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 263.09 to read as follows:

§ 263.09 Promoting an obscene sexual performance by a child in the first degree.

A person is guilty of promoting an obscene sexual performance by a child in the first degree when, knowing the character and content thereof, he or she produces or directs ten or more obscene performances, each of which includes sexual conduct by a child less than seventeen years of age. Notwithstanding subdivision four of section 263.00 of this article, for purposes of this section, a "performance" shall mean a play, motion picture or dance, or a photographic session at which multiple photographs are taken.

Promoting an obscene sexual performance by a child in the first degree is a class C felony.

§ 2. Section 263.10 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 263.10 Promoting an obscene sexual performance by a child **in the second degree**.

A person is guilty of promoting an obscene sexual performance by a child **in the second degree** when, knowing the character and content thereof, he produces, directs or promotes any obscene performance which includes sexual conduct by a child less than seventeen years of age.

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

LBD01833-01-7

Promoting an obscene sexual performance by a child **in the second degree** is a class D felony.

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