STATE OF NEW YORK

5729

2017-2018 Regular Sessions

IN SENATE

April 27, 2017

Introduced by Sen. BOYLE -- 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 criminalizing the filming of a violent crime

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 235 of the penal law is amended by adding three new sections 235.25, 235.26 and 235.27 to read as follows:

§ 235.25 Recording a video of the commission of a violent felony; definitions of terms.

For the purposes of sections 235.26 and 235.27, of this article the term "violent felony" means any offense described in section 70.02 of this chapter.

§ 235.26 Recording a video of the commission of a violent felony.

A person is guilty of recording a video of the commission of a violent felony when he or she:

1. wilfully records a video of the commission of a violent felony with intent to promote or encourage the commission of the underlying violent felony; or

2. conspires with another to record a video of the commission of a violent felony with intent to promote or encourage the commission of the underlying violent felony.

Recording a video of the commission of a violent felony is a class E felony.

§ 235.27 Recording a video of the commission of a violent felony; limitations.

Submission of the video described in section 235.26 of this article by the person recording the video to law enforcement at the first reasonable opportunity may be considered as evidence that the person lacked the intent to promote or encourage the commission of the underlying violent felony.

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

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

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