

# 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:

1 Section 1. The penal law is amended by adding a new section 263.09 to  
2 read as follows:

3 § 263.09 Promoting an obscene sexual performance by a child in the first  
4 degree.

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

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

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

17 § 263.10 Promoting an obscene sexual performance by a child in the  
18 second degree.

19 A person is guilty of promoting an obscene sexual performance by a  
20 child in the second degree when, knowing the character and content ther-  
21 eof, he produces, directs or promotes any obscene performance which  
22 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.

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1 Promoting an obscene sexual performance by a child in the second  
2 degree is a class D felony.  
3 § 3. This act shall take effect on the first of November next succeed-  
4 ing the date on which it shall have become a law.