STATE OF NEW YORK

5949

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. SKOUFIS -- 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 the creation of the criminal offense of unlawful electronic transmission of sexually explicit visual material

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 250.70 to read as follows:

§ 250.70 Unlawful electronic transmission of sexually explicit visual material.

A person is guilty of unlawful electronic transmission of sexually explicit visual material if a person knowingly transmits by electronic means visual material that depicts any person engaging in sexual conduct or with a person's intimate parts exposed or depicts the covered genitals of a male person that are in a discernibly turgid state and such visual material is not sent at the request of or with the express consent of the recipient. For purposes of this section the term "intimate parts" means the naked genitals, pubic area, anus, or female postpubescent nipple of the person and the term "sexual conduct" shall have the same meaning as defined in section 130.00 of this chapter.

Unlawful electronic transmission of sexually explicit visual material is a class A misdemeanor.

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