

# STATE OF NEW YORK

6218

2019-2020 Regular Sessions

## IN ASSEMBLY

March 4, 2019

Introduced by M. of A. BURKE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated promotion or possession of an obscene sexual performance by a child

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 263.12 to  
2 read as follows:

3 § 263.12 Aggravated promotion of an obscene sexual performance by a  
4 child.

5 1. A person is guilty of aggravated promotion of an obscene sexual  
6 performance by a child when, knowing the character and content thereof,  
7 he produces, directs or promotes any obscene performance which includes  
8 sexual conduct by a child and involves either:

9 (a) a child who had not attained the age of thirteen;

10 (b) material that portrays sadistic or masochistic conduct;

11 (c) still or motion picture images in an amount greater than or equal  
12 to six hundred images; or

13 (d) intent to derive pecuniary gain therefrom.

14 2. For the purposes of paragraph (c) of subdivision one of this  
15 section, a motion picture less than or equal to thirty minutes in dura-  
16 tion shall be deemed to contain seventy-five images and, for each addi-  
17 tional ten minutes in duration, an additional seventy-five images.

18 Aggravated promotion of an obscene sexual performance by a child is a  
19 class C felony.

20 § 2. The penal law is amended by adding a new section 263.13 to read  
21 as follows:

22 § 263.13 Aggravated possession of an obscene sexual performance by a  
23 child.

24 1. A person is guilty of aggravated possession of an obscene sexual  
25 performance by a child when, knowing the character and content thereof,

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

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1 he knowingly has in his possession or control, or knowingly accesses  
2 with intent to view, any obscene performance which includes sexual  
3 conduct by a child and involves either:

4 (a) a child who had not attained the age of thirteen;

5 (b) material that portrays sadistic or masochistic conduct;

6 (c) still or motion picture images in an amount greater than or equal  
7 to six hundred images; or

8 (d) intent to derive pecuniary gain therefrom.

9 2. For the purposes of paragraph (c) of subdivision one of this  
10 section, a motion picture less than or equal to thirty minutes in dura-  
11 tion shall be deemed to contain seventy-five images and, for each addi-  
12 tional ten minutes in duration, an additional seventy-five images.

13 Aggravated possession of an obscene sexual performance by a child is a  
14 class D felony.

15 § 3. This act shall take effect on the first of November next succeed-  
16 ing the date on which it shall have become a law.