STATE OF NEW YORK

2986

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. BROUK -- 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 expanding the definition of the offense of coercion in the second degree to include the production or dissemination of intimate images; and to amend the correction law, in relation to the definition of "sex offense"

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

Section 1. Section 135.61 of the penal law, as added by section 2 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

§ 135.61 Coercion in the second degree.

A person is guilty of coercion in the second degree when he or she commits the crime of coercion in the third degree as defined in section 135.60 of this article and thereby:

1. compels or induces a person to engage in sexual intercourse, oral sexual conduct or anal sexual conduct as such terms are defined in section [~~130~~] **130.00** of [~~the penal law~~] **this title; or**

2. Compels or induces a person to produce, disseminate, or otherwise display an image or images depicting the person's sexual or other intimate parts as defined by section 250.40 of this part.

Coercion in the second degree is a class E felony.

§ 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section 168-a of the correction law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

(i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 230.34-a, 250.50, 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than

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

LBD04435-01-1

seventeen years old and the offender is not the parent of the victim, **or section 135.61 of the penal law,** or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or section 230.25 of the penal law where the person prostituted is in fact less than seventeen years old, or

§ 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law and shall apply to offenses occurring on and after such effective date. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.