

STATE OF NEW YORK

6862--B

2021-2022 Regular Sessions

IN ASSEMBLY

April 13, 2021

Introduced by M. of A. PAULIN, DINOWITZ, SEAWRIGHT, DICKENS, FRONTUS, GALEF, GUNTHER, JACKSON, SIMON, STECK, ZINERMAN, McDONOUGH, SILLITTI, SEPTIMO -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the civil rights law, in relation to unlawful dissemination or publication of intimate images created by digitization and of sexually explicit depictions of an individual

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

1 Section 1. Subdivision 1 of section 245.15 of the penal law, as added
2 by chapter 109 of the laws of 2019, is amended and a new subdivision 2-b
3 is added to read as follows:

4 1. A person is guilty of unlawful dissemination or publication of an
5 intimate image when:

6 (a) with intent to cause harm to the emotional, financial or physical
7 welfare of another person, he or she intentionally disseminates or
8 publishes a still or video, including an image created by digitization,
9 image of such other person, who is identifiable from the still or video
10 image itself or from information displayed in connection with the still
11 or video image, without such other person's consent, which depicts:

12 (i) an unclothed or exposed intimate part of such other person; or

13 (ii) such other person engaging in sexual conduct as defined in subdi-
14 vision ten of section 130.00 of this chapter with another person; and

15 (b) such still or video image was:

16 (i) taken under circumstances when the person depicted had a reason-
17 able expectation that the image would remain private and the actor knew
18 or reasonably should have known the person depicted intended for the

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

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1 still or video image to remain private, regardless of whether the actor
2 was present when the still or video image was taken[~~+~~]; or

3 (ii) created by digitization and the actor knew or reasonably should
4 have known the person depicted did not consent to its creation or to its
5 dissemination or publication.

6 2-b. For purposes of this section "digitization" means to realis-
7 tically depict any of the following:

8 (a) The nude body parts of another human being as the nude body parts
9 of the depicted person.

10 (b) Computer-generated nude body parts as the nude body parts of the
11 depicted person.

12 (c) The depicted person engaging in sexual conduct in which the
13 depicted person did not engage.

14 § 2. Paragraph a of subdivision 2 of section 52-c of the civil rights
15 law, as added by chapter 304 of the laws of 2020, is amended to read as
16 follows:

17 a. A depicted individual shall have a cause of action against a person
18 who, discloses, disseminates or publishes or with intent to cause harm
19 to the emotional, financial or physical welfare of another person, he or
20 she threatens to disclose, disseminate or publish sexually explicit
21 material related to the depicted individual, and the person knows or
22 reasonably should have known the depicted individual in that material
23 did not consent to its creation, disclosure, dissemination, or publica-
24 tion.

25 § 3. This act shall take effect on the sixtieth day after it shall
26 have become a law.