STATE OF NEW YORK

319

2023-2024 Regular Sessions

IN ASSEMBLY

January 4, 2023

Introduced by M. of A. PAULIN, SEAWRIGHT, DINOWITZ, DICKENS, GUNTHER, BRONSON, BUTTENSCHON, SIMON, ROZIC, WILLIAMS, BURGOS, ZINERMAN, SILLITTI, WOERNER, FAHY, JENSEN, THIELE, GLICK, J. A. GIGLIO, ANDERSON, JACKSON, BYRNES, STERN, SEPTIMO, AUBRY, SMITH, GONZALEZ-ROJAS, STIRPE, GALLAGHER, KELLES, CLARK, CRUZ, L. ROSENTHAL -- Multi-Sponsored by -- M. of A. HEVESI, STECK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of public lewdness

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

Section 1. Section 245.00 of the penal law, as amended by chapter 748 of the laws of 1968 and the opening paragraph as amended by chapter 373 of the laws of 2015, is amended to read as follows:

§ 245.00 Public lewdness.

A person is guilty of public lewdness when [~~he or she~~] **they** intentionally [~~exposes~~]**:**

1. Expose the private or intimate parts of [~~his or her~~] **their** body in a lewd manner or [~~commits~~] **commit** any other lewd act: (a) in a public place, or (b) (i) in private premises under circumstances in which [~~he or she~~] **they** may readily be observed from either a public place or from other private premises, and with intent that [~~he or she~~] **they** be so observed, or (ii) while trespassing, as defined in section 140.05 of this part, in a dwelling**,** as defined in subdivision three of section 140.00 of this part, under circumstances in which [~~he or she is~~] **they are** observed by a lawful occupant[~~.~~]**; or**

2. Electronically transmit to one or more persons in or around a public place an image depicting exposed private or intimate parts, without the consent of such person or persons.

Public lewdness is a class B misdemeanor.

§ 2. This act shall take effect on the ninetieth day after 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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