STATE OF NEW YORK

7881

IN SENATE

January 3, 2024

Introduced by Sen. MARTINEZ -- 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 a threat to share an intimate image

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

Section 1. Subdivision 1 of section 245.15 of the penal law, as amended by chapter 513 of the laws of 2023, is amended to read as follows:

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

(a) with intent to cause harm to the emotional, financial or physical welfare of another person, they intentionally disseminate or publish a still or video image **or threaten to disseminate or publish a still or video image** depicting such other person**,** with one or more intimate parts exposed or engaging in sexual conduct with another person, including [~~an~~] **a still or video** image created or altered by digitization, where such person may reasonably be identified from the still or video image itself or from information displayed in connection with the still or video image; and

(b) the actor knew or reasonably should have known that the person depicted did not consent to such dissemination or publication, including the dissemination or publication of [~~an~~] **a still or video** image taken with the consent of the person depicted when such person had a reasonable expectation that the **still or video** image would remain private, regardless of whether the actor was present when such **still or video** image was taken.

§ 2. This act shall take effect immediately.

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

LBD13498-03-3