STATE OF NEW YORK

9180

IN ASSEMBLY

February 12, 2024

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

AN ACT to amend the penal law, in relation to the unlawful promotion or possession of a sexual performance of a child created by digitization and of sexually explicit depictions of a child created by digitization

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

Section 1. Short title. This act shall be known and may be cited as the "New York AI Child Safety Act".

§ 2. Section 263.10 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 263.10 Promoting an obscene sexual performance by a child.

A person is guilty of promoting an obscene sexual performance by a child when, knowing the character and content thereof, he **or she** produces, directs or promotes any obscene performance which includes sexual conduct by a child less than [~~seventeen~~] **eighteen** years of age**, including an image or performance created or altered by digitization, from the still or video image itself or from information displayed in connection with the still or video image, where such image may reasonably be perceived or identified to be a child less than eighteen years of age.**

For purposes of this section the following terms shall have the following meanings:

(a) "sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this chapter; and

(b) "digitization" shall mean to alter an image in a realistic manner utilizing an image or images of a person, other than the person depicted, or computer generated images.

Promoting an obscene sexual performance by a child is a class [~~D~~] **C** felony.

§ 3. Section 263.11 of the penal law, as amended by chapter 456 of the laws of 2012, is amended to read as follows:

§ 263.11 Possessing an obscene sexual performance by a child.

A person is guilty of possessing an obscene sexual performance by a child when, knowing the character and content thereof, he **or she** know-

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

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ingly has in his **or her** possession or control, or knowingly accesses with intent to view, any obscene performance which includes sexual conduct by a child less than [~~sixteen~~] **eighteen** years of age**, including an image or performance created or altered by digitization, from the still or video image itself or from information displayed in connection with the still or video image, where such image may reasonably be perceived or identified to be a child less than eighteen years of age.**

For purposes of this section the following terms shall have the following meanings:

(a) "sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this chapter; and

(b) "digitization" shall mean to alter an image in a realistic manner utilizing an image or images of a person, other than the person depicted, or computer generated images.

Possessing an obscene sexual performance by a child is a class [~~E~~] **C** felony.

§ 4. Section 263.15 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 263.15 Promoting a sexual performance by a child.

A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he **or she** produces, directs or promotes any performance which includes sexual conduct by a child less than [~~seventeen~~] **eighteen** years of age**, including an image or performance created or altered by digitization, from the still or video image itself or from information displayed in connection with the still or video image, where such image may reasonably be perceived or identified to be a child less than eighteen years of age.**

For purposes of this section the following terms shall have the following meanings:

(a) "sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this chapter; and

(b) "digitization" shall mean to alter an image in a realistic manner utilizing an image or images of a person, other than the person depicted, or computer generated images.

Promoting a sexual performance by a child is a class [~~D~~] **C** felony.

§ 5. Section 263.16 of the penal law, as amended by chapter 456 of the laws of 2012, is amended to read as follows:

§ 263.16 Possessing a sexual performance by a child.

A person is guilty of possessing a sexual performance by a child when, knowing the character and content thereof, he **or she** knowingly has in his **or her** possession or control, or knowingly accesses with intent to view, any performance which includes sexual conduct by a child less than [~~sixteen~~] **eighteen** years of age**, including an image or performance created or altered by digitization, from the still or video image itself or from information displayed in connection with the still or video image, where such image may reasonably be perceived or identified to be a child less than eighteen years of age.**

For purposes of this section the following terms shall have the following meanings:

(a) "sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this chapter; and

(b) "digitization" shall mean to alter an image in a realistic manner utilizing an image or images of a person, other than the person depicted, or computer generated images.

Possessing a sexual performance by a child is a class [~~E~~] **C** felony.

§ 6. This act shall take effect immediately.