STATE OF NEW YORK

4441

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the civil rights law, in relation to prohibiting speech-based defenses to actions brought against an individual for the unlawful dissemination or publication of an intimate image

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

Section 1. Section 245.15 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. It shall not be a defense to any criminal action brought against an individual pursuant to this section that such dissemination or publication of an intimate image is protected by a right to free speech.

§ 2. Section 52-b of the civil rights law is amended by adding a new subdivision 6-a to read as follows:

6-a. It shall not be a defense to any civil action brought against an individual pursuant to this section that such dissemination or publication of an intimate image is protected by a right to free speech.

§ 3. This act shall take effect immediately.

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

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