STATE OF NEW YORK

7202--A

Cal. No. 918

2025-2026 Regular Sessions

IN SENATE

April 3, 2025

Introduced by Sens. HINCHEY, GOUNARDES, ADDABBO, CHAN, HOYLMAN-SIGAL, KRUEGER, MURRAY, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to establishing crimes for the unlawful dissemination or publication of an intimate image; to amend the criminal procedure law, in relation to the statute of limitations for commencing cases related to the unlawful dissemination or publication of an intimate image; and to repeal section 245.15 of the penal law relating to 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 Section 245.15 of the penal law is REPEALED and four new sections 245.15, 245.16, 245.17 and 245.18 are added to read as follows:

§ 245.15 Unlawful dissemination or publication of an intimate image; definitions, application.

1. The following definitions shall apply to sections 245.16, 245.17, and 245.18 of this article:

(a) "Intimate part" means the naked genitals, pubic area, anus or female nipple of the person;

(b) "Disseminate" and "publish" shall have the same meaning as defined in section 250.40 of this title;

(c) "Sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this part;

(d) "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; and

(e) "Person" shall mean a natural person.

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

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2. The following provisions shall apply to sections 245.16, 245.17, and 245.18 of this article:

(a) The provisions of sections 245.16, 245.17, and 245.18 shall not apply to the following:

(i) the reporting of unlawful conduct;

(ii) the dissemination or publication of an intimate image made in the course of official law enforcement duties, legal proceedings or criminal prosecution, or medical treatment;

(iii) images involving voluntary exposure in a public setting; or

(iv) dissemination or publication of an intimate image made for a legitimate public purpose.

(b) Nothing in section 245.16, 245.17, or 245.18 shall be construed to limit, or to enlarge, the protections that 47 U.S.C § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

(c) Dissemination of multiple intimate images of the same individual as part of a common act shall be considered a single offense.

(d) (i) A violation of section 245.16, 245.17, or 245.18 shall be deemed to be committed within the state if any conduct that is an element of the offense occurs within the state.

(ii) Prosecution for a violation of section 245.16, 245.17, or 245.18 may be tried in any jurisdiction in which the offense was committed or a victim resides.

§ 245.16 Unlawful dissemination or publication of an intimate image in the third degree.

A person is guilty of unlawful dissemination or publication of an intimate image in the third degree when such person:

1. intentionally disseminates or publishes a still or video image depicting another person with one or more intimate parts exposed or engaging in sexual conduct with another person, including an image created or altered by digitization, where such person depicted may reasonably be identified from the still or video image itself or from information displayed in connection with the still or video image; and

2. knew or reasonably should have known that the person depicted did not consent to or license such dissemination or publication, including the dissemination or publication of an image taken with the consent of the person depicted when such person had a reasonable expectation that the image would remain private, regardless of whether the actor was present when such image was taken.

Unlawful dissemination or publication of an intimate image in the third degree is a class A misdemeanor.

§ 245.17 Unlawful dissemination or publication of an intimate image in the second degree.

A person is guilty of unlawful dissemination or publication of an intimate image in the second degree when such person is eighteen years of age or older and commits the crime of unlawful dissemination or publication of an intimate image in the third degree and:

1. such person has previously been convicted of unlawful dissemination or publication of an intimate image in the third degree, including a conviction which occurred prior to such person reaching the age of eighteen; or

2. such person commits such crime with intent to cause economic, physical, or substantial emotional harm to the person depicted in the intimate image or to secure pecuniary gain from the unlawful dissemination or publication of the intimate image.

Unlawful dissemination or publication of an intimate image in the second degree is a class E felony.

§ 245.18 Unlawful dissemination or publication of an intimate image in the first degree.

A person is guilty of unlawful dissemination or publication of an intimate image in the first degree when such person is eighteen years of age or older and commits the crime of unlawful dissemination or publication of an intimate image in the third degree and:

1. such person has previously been convicted of the crime of unlawful dissemination or publication of an intimate image in the second degree as defined in subdivision one of section 245.17 of this article; or

2. such person commits the crime of unlawful dissemination or publication of an intimate image in the second degree as defined in subdivision two of section 245.17 of this article and the person against whom the offense is committed is targeted due to such person's race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin.

Unlawful dissemination or publication of an intimate image in the first degree is a class D felony.

§ 2. Subdivision 3 of section 30.10 of the criminal procedure law is amended by adding two new paragraphs (i) and (j) to read as follows:

(i) A prosecution for unlawful dissemination or publication of an intimate image in the third degree as defined in section 245.16 of the penal law must be commenced within five years of the commission of the crime.

(j) A prosecution for unlawful dissemination or publication of an intimate image in the first or second degree as defined in sections 245.17 and 245.18 of the penal law must be commenced within seven years of the commission of the crime, or, in the exercise of reasonable diligence, within three years after the aggrieved party should have discovered the unlawful dissemination or publication of an intimate image, whichever is later.

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