

STATE OF NEW YORK

10696

IN SENATE

September 11, 2026

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

AN ACT to amend the penal law, in relation to the crime of promoting an obscene sexual performance by a child

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

1 Section 1. Section 263.00 of the penal law is amended by adding a new
2 subdivision 10 to read as follows:

3 10. "Obscene synthetic sexual performance" means any performance
4 created through artificial intelligence or other digital or computa-
5 tional means that realistically depicts a person who reasonably appears
6 to be a child less than seventeen years of age engaging in sexual
7 conduct, regardless of whether such depicted child corresponds to an
8 actual person.

9 § 2. Section 263.10 of the penal law, as amended by section 1 of part
10 L of chapter 55 of the laws of 2025, is amended to read as follows:

11 § 263.10 Promoting an obscene sexual performance by a child.

12 A person is guilty of promoting an obscene sexual performance by a
13 child when, knowing the character and content thereof, such person
14 produces, directs or promotes any obscene sexual performance which
15 includes sexual conduct by a child less than seventeen years of age,
16 including a performance created or altered by digitization as defined in
17 section 245.15 of this part, or when, knowing the character and content
18 thereof, such person produces, directs or promotes any obscene synthetic
19 sexual performance.

20 Promoting an obscene sexual performance by a child is a class D felo-
21 ny.

22 § 3. Severability. If any clause, sentence, paragraph, subdivision,
23 section or part of this act shall be adjudged by any court of competent
24 jurisdiction to be invalid, such judgment shall not affect, impair or
25 invalidate the remainder thereof, but shall be confined in its operation
26 to the clause, sentence, paragraph, subdivision, section or part thereof
27 directly involved in the controversy in which such judgment shall have
28 been rendered.

29 § 4. 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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