A02912 Summary:

BILL NO A02912
SAME AS No same as
SPONSOR Ortiz
COSPNSR
MLTSPNSR

Add S399-dddd, Gen Bus L; add S87, St Fin L

Establishes a two dollar surcharge on the purchase of sexually oriented media; establishes the crime victims fund.

A02912 Text:

STATE OF NEW YORK

2912

2013-2014 Regular Sessions

IN ASSEMBLY

January 22, 2013

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to establishing a two dollar surcharge on sexually oriented media; and to amend the state finance law, in relation to establishing the crime victims fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section 399-dddd to read as follows:

S 399-DDDD. SEXUALLY ORIENTED MEDIA; SURCHARGE. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "NUDE" SHALL MEAN:

(I) ENTIRELY UNCLOTHED; OR

(II) CLOTHED IN A MANNER THAT LEAVES UNCOVERED OR VISIBLE THROUGH LESS THAN FULLY OPAQUE CLOTHING ANY PORTION OF THE BREASTS BELOW THE TOP OF THE AREOLA OF THE BREASTS, IF THE PERSON IS FEMALE, OR ANY PORTION OF THE GENITALS OR BUTTOCKS; AND

B. "SEXUALLY ORIENTED MEDIA" SHALL MEAN A MAGAZINE, VIDEO, DVD OR INTERNET WEBSITE WHOSE DOMAIN NAME IS REGISTERED IN THIS STATE, WHERE THE CONTENT OF SUCH MAGAZINE, VIDEO, DVD OR INTERNET WEBSITE FEATURES NUDE PICTURES OR NUDE PERFORMANCES.

2. A SURCHARGE SHALL BE IMPOSED ON ANY SEXUALLY ORIENTED MEDIA AS FOLLOWS:

A. FOR EACH MAGAZINE, VIDEO OR DVD PURCHASED IN THIS STATE, TWO DOLLARS FOR EACH MAGAZINE, VIDEO OR DVD PURCHASED; OR
B. For each download purchased from an internet website, two dollars for each download purchased.

3. Any person, firm, corporation, partnership or any other business entity that sells sexually oriented media shall be liable for the collection of the surcharge imposed by this section. Every business subject to the provisions of this section shall remit the total of funds collected from the surcharge established pursuant to this section to the commissioner of taxation and finance for deposit into the crime victims fund established pursuant to section eighty-seven of the state finance law.

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