A08214 Summary:

BILL NO   A08214A
SAME AS   SAME AS
SPONSOR  Braunstein (MS)
COSPNSR  Brindisi, Paulin, Schimel, McDonough, Duprey, Montesano, Simotas, Morelle, Barrett, Benedetto, Borelli, Blankenbush, Tenney, Raia, Brook-Krasny, Otis, Finch, Quart, Saladino, Ortiz, Skoufis, Clark
MLTSPNSR  Crouch, Galef, Markey, McKevitt, Palmesano, Rodriguez, Skartados, Weisenberg

Add S250.70, Pen L

Establishes the crime of non-consensual disclosure of sexually explicit images as a class A misdemeanor.

A08214 Text:

STATE OF NEW YORK

8214--A

2013-2014 Regular Sessions

IN ASSEMBLY

October 24, 2013

Introduced by M. of A. BRAUNSTEIN, BRINDISI, PAULIN, SCHIMEL, McDonough, Duprey, Montesano, Simotas, Morelle, Barrett, Benedetto, Borelli, Blankenbush, Tenney, Raia -- Multi-Sponsored by -- M. of A. CROUCH, Galef, Markey, McKevitt, Rodriguez, Skartados, Weisenberg -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to establishing the crime of non-consensual disclosure of sexually explicit images

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

1 Section 1. The penal law is amended by adding a new section 250.70 to read as follows:
2 S 250.70 NON-CONSENSUAL DISCLOSURE OF SEXUALLY EXPlicit IMAGES.
3 A PERSON IS GUILTY OF NON-CONSENSUAL DISCLOSURE OF SEXUALLY EXPlicit IMAGES WHEN HE OR SHE INTENTIONALLY AND KNOWINGLY DISCLOSES A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF THE IMAGE OF ANOTHER PERSON WHOSE INTIMATE PARTS ARE EXPOSED OR WHO IS ENGAGED IN AN ACT OF SEXUAL CONTACT WITHOUT SUCH PERSON'S CONSENT, WHEN A REASONABLE PERSON WOULD HAVE KNOWN THAT THE PERSON DEPICTED WOULD NOT HAVE CONSENTED TO SUCH DISCLOSURE, AND UNDER CIRCUMSTANCES IN WHICH THE
PERSON HAS A REASONABLE EXPECTATION OF PRIVACY. A PERSON WHO HAS
CONSENTED TO THE CAPTURE OR POSSESSION OF AN IMAGE WITHIN THE CONTEXT OF
A PRIVATE OR CONFIDENTIAL RELATIONSHIP RETAINS A REASONABLE EXPECTATION
OF PRIVACY WITH REGARD TO DISCLOSURE BEYOND THAT RELATIONSHIP.

1. FOR THE PURPOSES OF THIS SECTION:
   (A) "DISCLOSE" MEANS TO SELL, MANUFACTURE, GIVE, PROVIDE, LEND, TRADE,
   MAIL, DELIVER, TRANSFER, PUBLISH, DISTRIBUTE, CIRCULATE, DISCLOSE, PRES‐
   ENT, EXHIBIT, ADVERTISE OR OFFER.

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

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1. (B) "INTIMATE PARTS" MEANS THE NAKED GENITALS, PUBIC AREA, BUTTOCKS,
OR FEMALE ADULT NIPPLE OF THE PERSON.
2. (C) "SEXUAL CONTACT" MEANS SEXUAL INTERCOURSE, INCLUDING GENITAL-GENI‐
TAL, ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL, WHETHER BETWEEN PERSONS
OF THE SAME OR OPPOSITE SEX.

2. THIS SECTION SHALL NOT APPLY TO:
   (A) LAWFUL AND COMMON PRACTICES OF LAW ENFORCEMENT, CRIMINAL REPORT‐
   ING, OR LEGAL PROCEEDINGS, OR DISCLOSURES MADE IN THE REPORTING OF
   UNLAWFUL ACTIVITY; OR
   (B) SITUATIONS INVOLVING VOLUNTARY EXPOSURE IN PUBLIC OR COMMERCIAL
   SETTINGS, OR DISCLOSURES MADE FOR A LEGITIMATE PUBLIC PURPOSE.

NON-CONSENSUAL DISCLOSURE OF SEXUALLY EXPLICIT IMAGES IS A CLASS A
MISDEMEANOR.

S 2. This act shall take effect on the first of November next succeed‐
ing the date on which it shall have become a law.