

S05949 Summary:

BILL NO S05949A

SAME AS SAME AS

SPONSOR GRIFFO

COSPNSR LAVALLE, AVELLA, GOLDEN, MAZIARZ, RANZENHOFER

MLTSPNSR

Add S250.70, Pen L

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

S05949 Text:

S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N S E N A T E

October 9, 2013

Introduced by Sens. GRIFFO, LAVALLE, GOLDEN, MAZIARZ, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- 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
- 2 read as follows:
- 3 S 250.70 NON-CONSENSUAL DISCLOSURE OF SEXUALLY EXPLICIT IMAGES.
- 4 A PERSON IS GUILTY OF NON-CONSENSUAL DISCLOSURE OF SEXUALLY EXPLICIT
- 5 IMAGES WHEN HE OR SHE INTENTIONALLY AND KNOWINGLY DISCLOSES A PHOTO-
- 6 GRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF THE
- 7 IMAGE OF ANOTHER PERSON WHOSE INTIMATE PARTS ARE EXPOSED OR WHO IS
- 8 ENGAGED IN AN ACT OF SEXUAL CONTACT WITHOUT SUCH PERSON'S CONSENT, WHEN
- 9 A REASONABLE PERSON WOULD HAVE KNOWN THAT THE PERSON DEPICTED WOULD NOT
- 10 HAVE CONSENTED TO SUCH DISCLOSURE, AND UNDER CIRCUMSTANCES IN WHICH THE
- 11 PERSON HAS A REASONABLE EXPECTATION OF PRIVACY. A PERSON WHO HAS
- 12 CONSENTED TO THE CAPTURE OR POSSESSION OF AN IMAGE WITHIN THE CONTEXT OF
- 13 A PRIVATE OR CONFIDENTIAL RELATIONSHIP RETAINS A REASONABLE EXPECTATION
- 14 OF PRIVACY WITH REGARD TO DISCLOSURE BEYOND THAT RELATIONSHIP.
- 15 1. FOR THE PURPOSES OF THIS SECTION:

16 (A) "DISCLOSE" MEANS TO SELL, MANUFACTURE, GIVE, PROVIDE, LEND, TRADE,
17 MAIL, DELIVER, TRANSFER, PUBLISH, DISTRIBUTE, CIRCULATE, DISCLOSE, PRES-
18 ENT, EXHIBIT, ADVERTISE OR OFFER.
19 (B) "INTIMATE PARTS" MEANS THE NAKED GENITALS, PUBIC AREA, BUTTOCKS,
20 OR FEMALE ADULT NIPPLE OF THE PERSON.

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

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1 (C) "SEXUAL CONTACT" MEANS SEXUAL INTERCOURSE, INCLUDING GENITAL-GENI-
2 TAL, ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL, WHETHER BETWEEN PERSONS
3 OF THE SAME OR OPPOSITE SEX.
4 2. THIS SECTION SHALL NOT APPLY TO:
5 (A) LAWFUL AND COMMON PRACTICES OF LAW ENFORCEMENT, CRIMINAL REPORT-
6 ING, OR LEGAL PROCEEDINGS, OR DISCLOSURES MADE IN THE REPORTING OF
7 UNLAWFUL ACTIVITY; OR
8 (B) SITUATIONS INVOLVING VOLUNTARY EXPOSURE IN PUBLIC OR COMMERCIAL
9 SETTINGS, OR DISCLOSURES MADE FOR A LEGITIMATE PUBLIC PURPOSE.
10 NON-CONSENSUAL DISCLOSURE OF SEXUALLY EXPLICIT IMAGES IS A CLASS A
11 MISDEMEANOR.
12 S 2. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.