

STATE OF NEW YORK

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571

2015-2016 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 7, 2015

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Introduced by M. of A. BRAUNSTEIN, BRINDISI, PAULIN, SCHIMEL, McDONOUGH, DUPREY, MONTESANO, SIMOTAS, MORELLE, BARRETT, BENEDETTO, BORELLI, BLANKENBUSH, TENNEY, RAIA, BROOK-KRASNY, OTIS, FINCH, QUART, SALADINO, ORTIZ, SKOUFIS, CLARK -- Multi-Sponsored by -- M. of A. CROUCH, GALEF, MARKEY, McKEVITT, PALMESANO, RODRIGUEZ, SKARTADOS -- read once and referred to the Committee on Codes

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 § 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.

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 § 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.