



NEW YORK STATE SENATOR

Martin J. Golden

Senate Passes Legislation Which Makes Viewing Child Pornography a Felony

MARTIN J. GOLDEN May 16, 2012

Bill closes loophole after Court of Appeals ruling that it is not a crime

The New York State Senate today passed legislation (S.7407), sponsored by Senator Martin Golden (R-C-I, Brooklyn), that would make the viewing of child pornography a felony crime. The bill amends current state law to say that a person is guilty of a crime when the person knowingly accesses child pornography with the intent to view.

The legislation comes after a state Court of Appeals ruling earlier this month that said viewing child pornography on the Internet is not a crime. This legislation closes that loophole.

“Today we have approved legislation to enable more appropriate prosecution of individuals who view child pornography here in New York State,” said Senator Golden. “Federal regulations are already in place, and today, we are one step closer to having New York adopt these same policies. I introduced this bill because I believe that simply the fact that an individual is viewing child pornography is a crime and New York should treat it as such.”

“This legislation sends a strong message that watching child pornography for any reason is completely unacceptable,” said Senate Majority Leader Dean G. Skelos. “I commend my

colleagues for acting on this quickly and, in doing so, we're conforming to federal guidelines. We must always work to protect children and work to keep them from being exploited in one of the worst ways."

Earlier this month, the Court of Appeals dismissed two of 143 possession and promotion counts against James Kent, a former Marist College professor who was convicted in 2009. Kent argued that he had reviewed the images as part of a research project on how child porn is regulated. The court decided that to be guilty of possession a person must print, download or save computer files.

The bill has been sent to the Assembly.