



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Acts To Close Child Pornography Loophole

JOHN J. FLANAGAN May 21, 2012

| ISSUE: **CHILDREN**

Senator John Flanagan (2nd Senate District) voted in support of legislation that would make the viewing of child pornography a felony crime. The bill would amend current state law to make it felony when a person knowingly accesses child pornography with the intent to view.

Senate passage of 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. In that ruling, 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.

This legislation closes that loophole to protect the children of New York State from child pornographers.

"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."

“Child pornography is a heinous act that must be punished to protect our children. As a father of three, I am proud to join with my colleagues in voting to close this loophole in existing law and hold offenders accountable. I urge the Assembly and the Governor to join the Senate in enacting this measure into law,” stated Senator Flanagan.

The bill has been sent to the Assembly.