



NEW YORK STATE SENATOR

Martin J. Golden

Governor Cuomo, Senator Golden and Legislative Leaders Announce Agreement on Bill to Prohibit Internet Access of Child Pornography

MARTIN J. GOLDEN June 18, 2012

Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos and Assembly Speaker Sheldon Silver today announced an agreement on legislation that will more effectively prohibit internet access of child pornography.

The legislation would amend New York's Penal Law to prohibit individuals from knowingly accessing, with the intent of viewing, child pornography on the internet. Currently, under New York law, an individual who views child pornography on a website where the images become automatically embedded in a computer does not "possess" child pornography. This legislation closes that loophole. If enacted in New York, if an individual purposefully accesses a website, intending to view child pornography, he or she will be committing a class E felony.

As a result of this legislation, child pornography can never be legally possessed in New York State.

"We must, under any circumstance, put the safety and protection of our children first by banning any and all forms of child pornography," said Governor Cuomo. "This legislation

closes a loophole that has allowed predators to go unprosecuted and unpunished. That will no longer be an option. Together with my colleagues in the Senate and Assembly, we are taking every precaution to ensure that our children are protected and that justice is served. I thank Majority Leader Skelos and Speaker Silver for their leadership on this issue as we continue to work toward making New York a safer state, especially for our children."

Senate Majority Leader Dean Skelos said, "Viewing child pornography is a despicable act. This legislation will help protect children by imposing tough new penalties on people who view or possess child pornography. I applaud Senator Golden for his leadership on this issue which is at the top of the Senate's criminal justice agenda, and I thank Governor Cuomo for working with us to achieve a bipartisan agreement."

Assembly Speaker Sheldon Silver said, "This new law makes clear that there is no acceptable reason for anyone to view or possess child pornography. The safety of children is paramount and we will do everything in our power to rid us of the scourge of child pornography. I thank the Governor for his efforts to close this terrible loophole in the law."

Senator Marty Golden, co-sponsor of the bill, said, "Today, just a month from the time that citizens of New York and our nation were shocked and offended by a loophole that prevented the appropriate prosecution of individuals who view child pornography, we have effectively changed the law. New York will now conform with federal regulations and rightly classify viewing child pornography as a crime. I commend Governor Andrew Cuomo and my colleagues in the State Legislature because our children, families and all citizens will be safer because of these efforts."

Assemblyman Joe Lentol, co-sponsor of the bill, said, “When it comes to protecting children, we can’t allow loopholes in the law. Viewing or possessing child pornography is a crime and this legislation makes sure the tools needed to prosecute it are available. This bill is expected to pass this week.”

In 1996, New York state enacted a law prohibiting the possession of child pornography. However, in a case decided on May 8, 2012, the New York Court of Appeals held that existing law did not prohibit “accessing and viewing” child pornography on the internet. The Court specifically invited the State to amend the Penal Law to criminalize accessing child pornography with the intent to view it on the internet. This bill would address that glaring loophole.