



NEW YORK STATE SENATOR

Martin J. Golden

Governor Cuomo Signs Bill Strengthening Laws Against Internet Access of Child Pornography

MARTIN J. GOLDEN September 7, 2012

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Governor Andrew M. Cuomo today signed legislation that strengthens the laws against internet access of child pornography.

The new law amends 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. Under the new law 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 new law, child pornography can never be legally possessed in New York State.

"With the strengthening of these laws, we eliminate any loophole to better protect our children from predators," said Governor Cuomo. "This new law stops criminals who have been able to escape prosecution and punishment for too long. I applaud Majority Leader Skelos, Speaker Silver and the bill sponsors for their leadership and dedication to keeping our kids safe. By working together, we are ensuring that all New Yorkers, especially children,

are kept safe and that justice is rightfully served.”

Senate Majority Leader Dean Skelos said, “Viewing child pornography is a deplorable act. This new law closes a legal loophole that never should have existed in the first place by imposing tough new criminal penalties on people who view or possess child pornography. The law will protect innocent children from being exploited and victimized. I applaud Senator Golden for his leadership in sponsoring this measure and Governor Cuomo for signing it into law.”

Assembly Speaker Sheldon Silver said, "In prohibiting Internet access of child pornography, we are placing one more safeguard between our children and heinous predators. The protection of New York's children has always been a top priority for the Assembly Majority and I thank the Governor and our other partners in government for their support of this legislation.”

Senator Marty Golden, a former New York City Police Officer and Senate sponsor of the bill stated, “New York and our nation were shocked and offended when they learned of a loophole that prevents the appropriate prosecution of individuals who view child pornography. Our children, families and all citizens are safer because of this new law that puts in place stricter penalties against this wrongful behavior. New York now conforms with federal regulations and rightly classifies viewing child pornography as a crime.”

Assemblyman Joe Lentol, co-sponsor of the bill, said, "This legislation closes a crucial loophole that endangered the safety and protection of our children. The signing of this legislation is something all New Yorkers can applaud.”

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. The new law addresses that glaring loophole.