



NEW YORK STATE SENATOR

Timothy M. Kennedy

Kennedy: As Child Porn Continues to Pervade Internet & Feds Strain Under Caseload, New York Must Crack Down

TIMOTHY M. KENNEDY May 26, 2015

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New Legislation from Kennedy Aligns State Law With Federal Law, Creates New Aggravated Promotion and Aggravated Possession Charges

Kennedy Bill Calls for Enhanced Penalties for Promotion and Possession of Prepubescent or Violent Child Pornography

BUFFALO, N.Y. – Senator Tim Kennedy (D-Buffalo) unveiled today a new bill, **S.4418**, to crack down on child pornography promotion and possession, bringing New York State law in line

with federal law, and strengthening penalties that are widely believed to be weak. Kennedy's legislation creates a new class D felony for the possession and/or promotion of child pornography when the victim involved is under the age of thirteen, the content of the pornography portrays sadistic or masochistic conduct, the still or motion picture images are in an amount greater than or equal to six hundred images, and/or there is an intent to derive monetary gain. Under current New York State law, possession of child pornography is classified as a Class E felony, with a maximum sentence of only four years in prison. Kennedy's legislation would classify these extreme cases as a Class D felony, where offenders can be sentenced to up to seven years and would be required to register as sex offenders.

"Possession and promotion of child pornography is horrific," said **Senator Kennedy**. "Anyone who calls this a victimless crime is either misguided, misinformed, or outright lying. The promotion and possession of child porn inflicts long-lasting psychological damage on its victims, not only from the trauma of its creation, but also as a result of the knowledge that the images are forever circulating on the internet. As this scourge continues and as federal budgets grow tighter, as a state, we must crack down on this heinous crime and ensure that we are sending a message to child predators everywhere: we will not tolerate the sexualization and abuse of our children."

According to the New York State Division of Criminal Justice Services, some studies have shown that up to 40% of criminals arrested for possession of child pornography have also personally victimized children, with 15% more having attempted to solicit investigators who have posed as children online. Meanwhile, in Fiscal Year 2011, the US District Court for the Western District of New York was presented with 35 cases of child pornography non-production offenses, along with 5 child pornography production offenses – the second highest rate in the state after the Northern District. Since 1998, the National Center for Missing and Exploited Children has fielded more than 3.3 million reports of child sexual

exploitation, a number that continues to rise, with the caseload for US Attorneys increasing 82.8% between 1994 and 2006.

“The idea of people sharing, or even profiting from, images of children under 13, or images of children enduring extreme sexual abuse, is truly monstrous,” added Senator Kennedy. “The federal government is absolutely working its hardest to put a stop to this despicable behavior, and New York has an obligation to do its part as well.”

With federal budgets under increased pressure over the past several years, Kennedy’s legislation seeks to allow New York State to play a larger role in cracking down on viewers and promoters of extreme child pornography.

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