



NEW YORK STATE SENATOR

Monica R. Martinez

## Strengthening New York’s “Revenge Porn” Statute

MONICA R. MARTINEZ May 31, 2024

| ISSUE: **REVENGE PORN, REVENGE PORN LAW, EXPLOITATION**



Senator Martinez’s enhancements to her 2019 law approved by state Senate

New York State Senator Monica R. Martinez is continuing her fight against sexual exploitation by expanding protections under the state’s “revenge porn” law. The Long Island state senator who led a historic 2019 effort to criminalize coercion through the non-consensual release of intimate images and videos has won approval for the inclusion of making a threat to disseminate such material in order to harm another person as a criminal offense. The **measure** still awaits a vote in the Assembly. If enacted, violators could face up

to one year in jail and fines.

“The threat of releasing compromising personal content can be just as psychologically damaging to a victim as the act itself,” said Senator Martinez. “This enhancement of the law will better protect New Yorkers from the perpetrator who attempts to use shame as an instrument of coercion.”

Under the proposal, section 245.15 of the New York State Penal Law would be amended to include the threat to disseminate or publish a still or video image depicting another person with one or more intimate parts exposed or engaging in sexual conduct with another person. Images and videos created or altered by digitization or artificial intelligence are also covered. If approved by the Assembly, the change will take effect immediately upon the governor’s signing.

According to **Wendy Linsalata**, Executive Director of the Ronkonkoma based L.I. Against Domestic Violence, “While the State of New York has made great strides in providing protections for survivors and criminalizing the intentional dissemination of intimate images, the failure to include the threat to share those images creates a gap in protections and offender accountability. We work with many survivors who are living in fear having received numerous threats as a means of the offender continuing to exert coercive control over their partner. The threat results in debilitating fear and anxiety and furthers the trauma survivors experience as there is constant worry of the threat being followed through on causing irreparable harm in both their personal and professional lives. L.I. Against Domestic Violence thanks Senator Martinez for her commitment to enhancing the safety of survivors of intimate partner violence and sexual violence.”

**Laura Ahearn**, LMSW, Esq, Executive Director of The Crime Victims Center said, “Threats to expose intimate images or videos is a weapon abusive partners use to intimidate, degrade,

and maintain power and control over former partners. Senator Martinez’s bill acknowledges the emotional damage victims suffer when threats of dissemination are made by closing a loophole in the law to make these threats a crime. Senator Martinez continues to demonstrate her dedication and commitment to protecting our most vulnerable.”

Senator Martinez began her work to protect victims of “revenge porn” during her tenure with the Suffolk County Legislature. After joining the state, Senator Martinez continued her focus on the issue, ultimately passing a [state-wide prohibition](#) on the dissemination and publication of explicit and intimate images without consent. At the time of the law's passage, Senator Martinez said, “We are sending a strong message that this behavior will no longer be tolerated in the State of New York, and in doing so we are empowering victims to take a stand against this kind of violation.”

In [April](#), two women, whose separate intimate encounters were recorded and posted online in violation of the state’s original “revenge porn” law prohibiting the dissemination and publication of explicit and intimate images without consent, were awarded \$3.4 million in damages plus attorney fees in what were the [first two cases adjudicated](#) through the New York courts.

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#### RELATED LEGISLATION

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### **2023-S7881**

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- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to a threat to share an intimate image

January 03, 2024

In Assembly Committee

Sponsored by **Monica R. Martinez**

Do you support this bill?