



NEW YORK STATE SENATOR

Stephen M. Saland

## Senate Passes Legislation Which Makes Viewing Child Pornography a Felony

STEPHEN M. SALAND May 15, 2012

| ISSUE: **CRIME, CHILDREN, YOUTH**

### *Bill closes loophole after Court of Appeals ruling that it is not a crime*

The New York State Senate today passed legislation (S.7407) that would make the viewing of child pornography a felony crime. The bill amends current state law to say that a person is guilty of a crime when the person knowingly accesses child pornography with the intent to view.

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. This legislation closes that loophole.

Earlier this month, 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.

The bill has been sent to the Assembly.

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