



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Bill That Makes Viewing Child Pornography a Felony

JACK M. MARTINS May 18, 2012

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The New York State Senate passed legislation (S.7407), sponsored by Senator Martin Golden (R-C-I, Brooklyn), 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.

“This legislation will deter anyone from trying to exploit children by viewing child pornography by making it a felony. This is not acceptable behavior and we should not tolerate it,” said Senator Martins, who supported the bill.

“Federal regulations are already in place, and we are one step closer to having New York adopt these same policies. I introduced this bill because I believe that simply the fact that an individual is viewing child pornography is a crime and New York should treat it as such,” said Senator Marty Golden, who sponsored the bill.

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.