Senate Passes Legislation Prohibiting the Viewing of Child Pornography

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Bill Closes Loophole Created by Recent Court of Appeals Ruling

The New York State Senate today passed legislation (S7742) sponsored by Senator Marty Golden (R-C-I, Brooklyn), that would make the viewing of child pornography a felony crime. The bill is part of a three-way agreement with the Senate, Assembly and Governor Cuomo to amend current state law to make a person 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 in May 2012 that said viewing child pornography on the Internet is not a crime. This legislation closes that loophole.

"The passage of this legislation will provide our police and courts with another tool to keep our children safe," said Senator Bill Larkin (R-C, Cornwall-on-Hudson). "Closing this shocking loophole will provide law enforcement with the ability to charge an individual with stricter penalties commensurate with the crime."

"Today, just a little more than a month from the time that citizens of New York and our nation were shocked and offended by a loophole that prevented the appropriate prosecution of individuals who view child pornography, the State Senate has moved to effectively change the law," Senator Golden said. "Our children, families and all citizens are safer because of these efforts as we implement stricter penalties against this wrongful behavior. New York will now conform with federal regulations and rightly classify viewing child pornography as a crime."

"Viewing child pornography only perpetuates a despicable crime," Senate Majority Leader Dean Skelos said. "This bill will impose tough penalties to deter anyone from accessing this material. Senator Golden has provided strong leadership on this issue, which was a major criminal justice priority for the Senate Republicans."

The bill has been sent to the Assembly.