



NEW YORK STATE SENATOR

Andrew J. Lanza

Governor Cuomo Signs Golden - Lanza Bill to Strengthen Laws Against Internet Access of Child Pornography

ANDREW J LANZA September 7, 2012

Governor Andrew Cuomo today signed legislation, sponsored by Senators Marty Golden and Andrew Lanza, that strengthens the laws against internet access of child pornography. The new law amends New York's Penal Law to prohibit individuals from knowingly accessing with the intent of viewing child pornography on the internet. Currently, under New York law, an individual who views child pornography on a website where the images become automatically embedded in a computer does not "possess" child pornography. This legislation closes that loophole. Under the new law if an individual purposefully accesses a website, intending to view child pornography, he or she will be committing a class E felony. As a result of this new law, child pornography can never be legally possessed in New York State. Senator Marty Golden, a former New York City Police Officer and Senate sponsor of the bill stated, "New York and our nation were shocked and offended when they learned of a loophole that prevents the appropriate prosecution of individuals who view child pornography. Our children, families and all citizens are safer because of this new law that puts in place stricter penalties against this wrongful behavior. New York now conforms with federal regulations and rightly classifies viewing child pornography as a crime." Senator Andrew Lanza said, "Sexual predators shouldn't be able to skate through loopholes," said Senator Andrew Lanza. "I was proud to vote for this legislation which will protect our children from predators and keep New York's laws up to date in today's world of constantly

evolving technology." In 1996, New York state enacted a law prohibiting the possession of child pornography. However, in a case decided on May 8, 2012, the New York Court of Appeals held that existing law did not prohibit "accessing and viewing" child pornography on the internet. The Court specifically invited the State to amend the Penal Law to criminalize accessing child pornography with the intent to view it on the internet.