



NEW YORK STATE SENATOR

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## Senate Majority Protects New Yorkers from “Revenge Porn”

ANDREA STEWART-COUSINS February 28, 2019

| ISSUE: **REVENGE PORN**

(Albany, NY) The New York State Senate Democratic Majority today passed legislation ([S.1719-C](#)) establishing the crime of unlawful dissemination or publication of an intimate image and creates a private right of action for such crime. The legislation sponsored by Senator Monica Martinez makes New York the 42nd state to criminalize the dissemination of an intimate image with the intent to cause harm to another individual.

“It has never been easier to share private images and make them widely available without consent,” Senate Majority Leader Andrea Stewart-Cousins said. “That is why the Senate Majority is taking action, together with our Assembly Majority colleagues, to help combat so-called ‘revenge porn.’ I applaud Senator Martinez for introducing this legislation to protect individuals from this heinous violation of privacy.”

Bill Sponsor Senator Monica Martinez said, “I am proud to have worked with my colleagues in the State Legislature and with all stakeholders in order to come to an agreement that will work to protect victims of this particularly disturbing crime. We are sending a strong message that this kind of violation will no longer be tolerated in the State of New York. I want to extend my gratitude to the individuals who have come forward to share their powerful stories and to the advocacy groups who have given the victims a voice.”

The “Revenge Porn” bill passed by the Senate Majority establishes:

- The criminal act of unlawful dissemination or publication of an intimate image when done with the intent to cause harm to the emotional, financial, or physical welfare of another person when the image was taken with a reasonable expectation that the image would remain private.
- The unlawful dissemination or publication of an intimate image is a Class A misdemeanor.
- Amends the Civil Rights Law to allow victims of “revenge porn” to seek civil recourse for the damages and victims will have a choice whether to pursue a criminal or civil case, or both.
- Exempts images shared during lawful and common practices of law enforcement, legal proceedings or medical treatment, and those involving voluntary exposure in a commercial setting.

Senate Deputy Majority Leader Michael Gianaris said, “The distribution of explicit images without one’s consent is offensive and ought to be illegal. I am pleased the New New York Senate is standing up for victims of this repulsive act.”

Senator Joseph P. Addabbo, Jr. said, “I am proud to support this bill that aims to criminalize what is known as ‘revenge porn’ in New York State. No one should live in fear that someone will release private and personal intimate images of them without their consent, potentially damaging their careers or lives.”

Senator Alessandra Biaggi said, “Let’s never forget that consent is critical. To display someone else’s body in any way, shape, or form without consent is a crime. This applies

whether sharing intimate moments, or intimate images or videos. This legislation will send a clear message of warning that non-consensual sharing of private images is a serious offense.”

Senator John E. Brooks said, “Revenge Porn is an act of violence and violation that can destroy a person’s life with a click-of-a-mouse, creating a multitude of personal and professional problems far beyond the humiliation and embarrassment that comes with a betrayal of this magnitude. This legislation will make the necessary changes in our state to deter would-be perpetrators and provide victims with the legal capacity to seek justice.”

Senator Jim Gaughran said, “Starting today, the untold number of victims of ‘revenge porn’ will finally receive justice. Social media and the internet are powerful tools, but they should never aid in exploiting people. I’m proud that my colleague Senator Martinez is leading the charge to outlaw revenge porn in New York.”

Senator Andrew Gounardes said, “I am proud to co-sponsor this groundbreaking bill. As the world changes, so must the laws that govern a free and just society. Revenge porn is a form of sexual assault in the 21st Century. Private images released to the world by the click of a button and without consent can result in irreversible damage to a person’s life, family, and career. This important piece of legislation gives law enforcement the tools they need to further protect innocent people being exploited and victims the opportunity to seek justice. We must ensure that those guilty of these despicable crimes face appropriate punishment.”

Senator Pete Harckham said, “People in intimate relationships deserve legal recourse if a partner shares or threatens to share intimate images without their approval. As the father of two daughters, I’m relieved that this bill will criminalize ‘revenge porn’ and protect victims from having their private images shared online in an effort to bully, humiliate and threaten them.”

Senator Brad Hoylman said, “The truth is that the internet is not a safe place, particularly for women, people of color and LGBTQ individuals. Revenge porn invades privacy and ruins lives. It is particularly devastating for victims in New York, who come forward to pursue charges, only to find there are no laws on the books to protect them. This is egregious and wrong. Especially in 2019, when with a click of a button, a private photograph can be broadcast to millions of people on any number of digital platforms. It's time to hold those who use technology as a tool of exploitation and manipulation accountable to the fullest extent of the law. With today's vote, we'll finally be able to do so. I commend Leader Stewart-Cousins and Senator Martinez for their leadership on this critical issue.”

Senator Todd Kaminsky said, “As a former domestic violence prosecutor, I know all too well how abusers use intimate images to manipulate, bully, and blackmail their partners. For far too long, a loophole in state law has left victims and law enforcement powerless in the face of these dastardly acts. I am proud to cosponsor this critical piece of legislation and ensure that perpetrators of this shameful practice are held accountable.”

Senator Anna M. Kaplan said, “Sharing an intimate image of another person without their consent is a despicable invasion of privacy that can have a devastating and far-reaching impact on that person’s life and well-being. I’m proud to co-sponsor legislation criminalizing the unlawful dissemination of an intimate image, because we need to put meaningful deterrents in place to protect New Yorkers.”

Senator Liz Krueger said, “So-called ‘revenge porn’ is just sexual assault by another name. It creates deep emotional distress, damages careers, and ruins lives. For the perpetrator, it is about dominating, terrorizing, and making their victim feel powerless. Well today, we are giving power back to those who have been victimized, and telling perpetrators that they will face justice. I commend Senator Martinez and my colleagues for prioritizing this issue and making clear that the new State Senate stands with victims and survivors.”

Senator John Liu said, "Though anyone can be a victim of revenge pornography, women are disproportionately victimized and our society already has the liability of viewing women's bodies as public property. This crime takes away a woman's agency over her body. It takes away her control and gives access to her body to thousands, even millions of people. If we believe in the bodily autonomy of every human being, all lawmakers should care about criminalizing revenge pornography."

Senator Shelley B. Mayer said, "I am proud to support S.1719-C to protect individuals from malicious attempts to distribute private still or video images and to give victims a cause of action against the offender. From my discussions with my Youth Advisory Council and others, the unauthorized distribution of private images is rampant, and victims are left with little recourse. With the ubiquitous nature of social media, selfies, and smartphones, this is a commonsense step forward to protect New Yorkers."

Senator Jessica Ramos said, "At a time when more and more people are using social media, we must also increase protections to ensure these media platforms are not used to exploit or humiliate anyone. Victims of revenge porn must know that the New York legislature is behind them and law enforcement will protect them from being violated as a result of revenge porn."

Senator Gustavo Rivera said, "No one should have the right to disseminate deeply intimate material in order to retaliate and permanently damage another person's reputation and dignity. At a time when information is so readily available, especially with the growing prevalence of social media, it is imperative that we work to prevent revenge porn in New York and hold those who perpetrate such a heinous act accountable."

Senator James Sanders Jr. said, "I proudly support the passage of 'revenge porn' legislation that makes the dissemination of private images unlawful. Many times men exhibit

cowardice by hiding behind the anonymity of the internet. Some men have chosen to show that cowardice by exposing women who believed they had trust and privacy in an intimate relationship. Out of anger, these men make a decision that unfairly affects the lives of a woman in indelible ways. It is time we stand behind these women who have no recourse when a man decides to publish their private images.”

Senator James Skoufis said, “Revenge pornography exploits intimacy and violates boundaries in an unforgivable way. It is a symptom of a larger problem of consent being egregiously neglected, especially towards women. There must be legal repercussions for offenders who commit this type of abuse.”

Senator Kevin Thomas said, “I’m proud to stand with my Senate colleagues for the passing of legislation to protect our resident's from becoming the victims of a heinous form of cyberbullying often referred to as ‘Revenge Porn.’ Current technology has made it possible for private photos to be shared without consent, which can have a lasting and devastating impact on the victim. This legislation will make the act a crime and hold the offender responsible.”

Carrie Goldberg, Advisory Board Member at Cyber Civil Rights Initiative, said, “This law puts sexual privacy where it belongs – in the hands of New Yorkers. I started my firm in 2014 to fight for victims of sexual assault and stalking because I couldn’t find a lawyer when I was under attack by a vengeful ex threatening to spread pictures of me. And over the last five years, hundreds of New Yorkers have sought our help when they suffered the humiliation and backlash from their most private moments being posted on the internet and social media for the world to see. Some lost jobs; others were blackmailed and stalked by strangers. We are grateful for the tenacity of Senator Monica Martinez and Assemblyman Edward Braunstein, the original architect of this law and ongoing champion. Finally, victims of the most intimate kind of violation can seek criminal redress, a restraining order, and justice

from our civil courts.”

Honorable Judy Harris Kluger, Executive Director of Sanctuary for Families, said, “At Sanctuary for Families, we have seen the devastating damage that cyber sexual abuse has caused our clients and their frustration and outrage that so little can be done to punish their abusers. We are proud of the extraordinary contributions that Sanctuary’s staff have made in shaping this bill and are grateful to State Senator Martinez and her colleagues in Albany for their leadership.”