

	THE CITY LAW	THE STATE LAW
WHERE CAN I FIND THE LAWS?	N.Y.C. Administrative Code 10 - 180	New York State Penal Law § 245.15
TITLE	Unlawful Dissemination or Publication of an Intimate Image	Unlawful Disclosure of an Intimate Image
JURISDICTION	In New York City: Bronx County, New York County, Kings County (Brooklyn), Queens County, and Richmond County (Staten Island)	All throughout New York State, including New York City
PENALTY	Unclassified Misdemeanor, punishable by up to one year in jail, or a fine of up to \$1000 or both	Class A Misdemeanor, punishable by up to one year in jail
DESIGNATED FAMILY OFFENSE	No	Yes. See FCA § 812.
CIVIL CAUSE OF ACTION	Against the perpetrator (for compensatory and punitive damages, injunctive and declaratory relief; attorneys' fees and costs and such other relief as a court may deem appropriate)	Against the perpetrator (for compensatory and punitive damages, injunctive and declaratory relief; attorneys' fees) AND against any website that is subject to personal jurisdiction to permanently remove any intimate image(s) reasonably within the website's control. N.Y. CLS Civ. R. § 52-b.
STATUTE OF LIMITATIONS FOR CIVIL CAUSES OF ACTION	Up to 3 years	Against the perpetrator: Up to 3 years Against the Website: the later of either: a) 3 years after the dissemination or publication of an image or b) one year from the date a person discovers, or reasonably should have discovered, the dissemination or publication of such image
STATUTE OF LIMITATIONS FOR CRIMINAL PROSECUTIONS	2 years	2 years
INTENT	Intent to cause economic, physical or substantial emotional harm to such depicted individual	Intent to cause emotional, financial, or physical harm to victim
WHAT KINDS OF MEDIA ARE COVERED?	Photograph, film, videotape, recording or any other reproduction of an image (hereinafter "image")	Still or video image (hereinafter "image")
ACCESS TO THE IMAGE	Can only prosecute <i>covered recipients</i> , defined as individuals who gain possession of or access to an intimate image/video from a depicted individual, including through the recording of such image/video	Does not require perpetrator to have been present when the image or video was taken, or to have gained possession of or access to the image/video from the depicted individual

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WHAT ARE “INTIMATE PARTS”?	Genitals, pubic area or anus of any person, or the female nipple or areola of a person who is 11 years old or older	Naked genitals, public area, anus or female nipple of the person
THREATS TO DISCLOSE COVERED (CRIMINAL)?	Yes	No
THREATS TO DISCLOSE COVERED (CIVIL CAUSE OF ACTION)?	Yes	Yes
IDENTIFIABLE ELEMENT	<p>Victim is or would be identifiable to another individual either from the intimate image or from the circumstances under which such image is disclosed</p> <p><i>For threats:</i> the victim shall be considered to be identifiable where the covered recipient states or implies that the victim would be so identifiable</p>	Victim is identifiable from the still or video image itself or from information displayed in connection with the still or video image
WHAT CONTENT MUST THE IMAGE DEPICT?	Depicts the victim (i) with fully or partially exposed intimate body parts, (ii) with another individual whose intimate body parts are exposed, as recorded immediately before or after the occurrence of sexual activity between those individuals or (iii) engaged in sexual activity. See N.Y.C. Admin. Code. 10-180[a]; see also Penal Law §§ 130.00(1), 130.00(2)(a), 130.00(2)(b).	Depicts (i) the victim’s unclothed or exposed intimate part or (ii) the victim engaging in sexual conduct (see Penal Law § 130.00[3]) with another person
INTENT FOR IMAGE TO REMAIN PRIVATE	The image has been disclosed or is being threatened to be disclosed in a manner in which, or to a person or audience to whom, the victim intended it would not be disclosed, at the time at which the covered recipient gained possession of, or access to, the intimate image	The image was taken under circumstances when the victim had a reasonable expectation that the image would remain private and the actor knew or reasonably should have known the victim intended for the image to remain private
PUBLIC AND/OR VOLUNTARY EXPOSURE	An intimate image does not include one taken in a public place except if, at the time the image was recorded, an individual in the victim’s position would reasonably have believed that no one other than the covered recipient could view the applicable intimate body parts or sexual activity while the parts were exposed or the activity was occurring. See Penal Law § 240.00(1).	This law does not apply to images involving voluntary exposure in a public or commercial setting