



## **Creates the Crime of Enticing or Luring a Child on the Internet**

**Bill: A.1527/S.XXX**

**Sponsor: Assembly Member Colton, Senate Sponsorship Pending**

**NYSPAC Position: SUPPORT**

The New York State Public Affairs Committee (NYSPAC) of the Junior League supports the enactment of legislation to amend the current penal code by creating the crime of enticing or luring a child on the internet, or via any electronic means, for the purpose of committing a violent or sexual act, and to apply it as a class C felony. We support the New York State Assembly's efforts to pass legislation on this important issue, **and urge the Members to work together to enact A.01527/S.XXX immediately.**

The explosive growth of the Internet in the last decade has brought a slew of new threats to children everywhere. According to the National Center for Missing and Exploited Children (NCMEC), 30 million children now regularly access the Internet via home and/or school computers and via handheld devices (i.e. cell phones, "smart" phones, and other PDA devices). The use of the Internet – namely on social networking sites, instant messaging, and "chat rooms" -- along with children's' increasing exposure and access to cell phones, PDAs, digital cameras, and computers have provided an avenue for illicit and dangerous activities between predatory adults and the children themselves. Studies have shown that as many as one in seven children have received a sexual solicitation online, but less than 10 percent were reported to authorities. **Of those reported in New York State, District Attorneys have faced obstacles in the prosecution of such offenders as no specific statute exists that can be adequately applied to the act of electronically soliciting a child for illegal or sexual acts.**

A majority of states, including New Jersey and Connecticut, have laws that specifically prohibit electronic luring or solicitation of minors by computer for the purpose of inducing them to engage in illegal sexual conduct. On the federal level, child luring is covered by an Enticement statute, which prohibits the use of any facility or means of interstate commerce to knowingly persuade, induce, entice, or coerce a minor to engage in criminal sexual activity or prostitution or to attempt to do so. Violators of this federal law face a punishment of a fine and a minimum imprisonment of 10 years to life.

However, since New York lacks a legal statute that criminalizes the luring of a minor – over the Internet or through an electronic device – the current state penal code provides that any online sexual predation that occurs *wholly within the state*, should be prosecuted as the crime of Endangering the Welfare of a Child, a class A misdemeanor, where the maximum sentence is up to one year in prison. The alternate avenue of prosecution, the Disseminating of Indecent Material to Minors, itself a class D felony, may be applied *only if* any material depicting sexual conduct to a minor was transmitted. In order for effective prosecution and more substantial punishments, local authorities find themselves referring such luring cases to U.S. Attorneys Offices where they can be tried under the stricter federal statute.

**According to a poll by the Polly Klaas Foundation, one in four teens said they engaged in online sexual conversations with someone they had never met in person.** Despite technological preventive measures put in place by Internet ISPs, social network sites and safety education by parents and schools alike, one in eight youths, ages eight to 18, discovered that someone they were communicating with online was an adult pretending to be much younger. This proliferation of Internet-related threats and electronic crimes poses an imminent threat to the public safety and welfare of New York's children. The cyber world of Internet surfing and texting is in many ways a modern-day playground, but unlike the traditional asphalt kind where diligent parents can more easily protect children from interlopers, predators are able to meet children under the twin guises of anonymity and secrecy. NYSPAC believes it is contrary to New York public policy not to have an independent luring statute that would enable District Attorneys to successfully prosecute cyber crimes, and on behalf of the more than 7,000 women represented by the 19 Junior Leagues of New York, **we urge the New York Assembly and Senate to support legislation to amend the current penal code by enacting A.01527/S.XXX.**

**For more information, please contact Lisa Hofflich or Lauren Jenkins Chung:**  
[lisa@smileboutique.com](mailto:lisa@smileboutique.com) or [jenkins.lauren@gmail.com](mailto:jenkins.lauren@gmail.com).

### **Junior Leagues of New York State:**

- Junior League of Binghamton*  
31 Front Street - Binghamton 13905
- Junior League of Bronxville*  
P.O. Box 430 - Bronxville 10708
- Junior League of Brooklyn*  
55 Pierrepont Street - Brooklyn 11201
- Junior League of Buffalo*  
45 Elmwood Avenue - Buffalo 14201
- Junior League of Central Westchester*  
1039 Post Road - Scarsdale 10583
- Junior League of Elmira-Corning*  
P.O. Box 3150 - Elmira 14905
- Junior League of Kingston*  
P.O. Box 1214 - Kingston 12402
- Junior League of Long Island*  
1395 Old Northern Blvd - Roslyn 11576
- Junior League of the City of New York*  
130 East 80<sup>th</sup> Street - New York 10021
- Junior League of Northern Westchester*  
222 East Main Street - Mt. Kisco 10549
- Junior League of Orange County*  
P.O. Box 515 - Middletown 10940
- Junior League of Pelham*  
901 Pelhamdale Avenue - Pelham Manor 10803
- Junior League of Poughkeepsie*  
794 Main Street - Poughkeepsie 12603
- Junior League of Rochester*  
110 Linden Oaks. Suite A - Rochester 14625
- Junior League of Schenectady*  
P.O. Box 857- Schenectady 12301
- Junior League of Syracuse*  
930 James Street- Syracuse 13203
- Junior League of Troy*  
P.O. Box 1161-Troy 12180
- Junior League of Westchester on Hudson*  
35 South Broadway - Tarrytown 10591
- Junior League of Westchester on the Sound*  
149 Larchmont Avenue - Larchmont 10538

**For more information, contact the Junior League nearest you.**