

MEMORANDUM OF SUPPORT

END CYBER SEXTORTION

A.4466 Zebrowski/S.4345 Martinez

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to **end cyber sextortion and hold perpetrators accountable.**

In the age of advancing technology, perpetrators are becoming increasingly savvy in using technology to continually abuse victims. Cyber sextortion, in which perpetrators threaten victims with the release of their intimate images unless they comply with the perpetrators' demands, is one such tactic. When victims don't comply, offenders release sexual images to the victims' friends, families, social networks, co-workers and the broader public.

According to "A Call To Action: Ending Sextortion in the Digital Age," produced in 2016 by The Thomson Reuters Foundation and Legal Momentum, domestic violence offenders often use cyber sextortion to exert power and control over those with whom they have intimate relationships. In *United States v. Petrovic*, the victim's husband threatened to post sexually explicit images on the Internet unless the victim continued their relationship. In another case in Tennessee, the victim's former boyfriend threatened to distribute sexually explicit photographs of the victim to coerce her into paying disputed debts.

Under current New York State law, there is no avenue for holding accountable perpetrators who commit cyber sextortion. Prosecutors and courts have had to be creative with the law in order to prosecute predators, but they are often unsuccessful in their efforts. It is increasingly clear that explicit statutory language is needed to consistently charge perpetrators in a manner that reflects the nature of the abuse. Otherwise New York State will continue to leave victims, who are overwhelmingly women and girls, vulnerable at the hands of perpetrators.

Consequently, NYSCADV urges passage of this bill, which will:

- Amend the Penal Law to expand the definition of coercion in the second degree to include the production or dissemination of intimate images and;
- Amend the Correction Law to expand the definition of a "sex offense" to include coercion in the second degree.

The violation of a person's privacy is one of the most despicable acts that can be committed. Cyber sextortion has long-lasting psychological impacts and causes irreversible reputational harm that leaves victims traumatized. Victims of cyber sextortion live in fear throughout their entire lives because it is impossible for them to know when and where their images will surface. **New York State must act now to pass this legislation so victims are protected and perpetrators of cyber sextortion are brought to justice.**

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465