S T A T E O F N E W Y O R K

4119

2011-2012 Regular Sessions

I N S E N A T E

March 18, 2011

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to promoting sexual performances by a child

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The closing paragraph of section 263.10 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

Promoting an obscene sexual performance by a child is a class [D] B felony.

S 2. The closing paragraph of section 263.15 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

Promoting a sexual performance by a child is a class [D] B felony.

S 3. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(I) WHERE THE INDICTMENT CHARGES THE CLASS B FELONY OFFENSE OF PROMOTING AN OBSCENE SEXUAL PERFORMANCE BY A CHILD AS DEFINED IN SECTION 263.10 OF THE PENAL LAW OR PROMOTING A SEXUAL PERFORMANCE BY A CHILD AS DEFINED IN SECTION 263.15 OF THE PENAL LAW, THEN A PLEA OF GUILTY MUST INCLUDE AT LEAST A PLEA TO SUCH OFFENSE.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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