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

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530

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011
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Introduced by Sens. KLEIN, ALESI, MAZIARZ, RANZENHOFER -- read twice and
  ordered printed, and when printed to be committed to the Committee on
  Codes

AN ACT to amend the criminal procedure law, in relation to removing the
  statute of limitations for sex offenses committed against minors

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

 1   Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
 2 criminal procedure law, as separately amended by chapters 3 and 320 of
 3 the laws of 2006, is amended to read as follows:
 4   (f) For purposes of a prosecution involving a sexual offense as
 5 defined in article one hundred thirty of the penal law, other than a
 6 sexual offense delineated in paragraph (a) of subdivision two of this
 7 section, committed against a child less than eighteen years of age,
 8 incest in the first, second or third degree as defined in sections
 9 255.27, 255.26 and 255.25 of the penal law committed against a child
10 less than eighteen years of age, or use of a child in a sexual perform-
11 ance as defined in section 263.05 of the penal law, [the period of limi-
12 tation shall not begin to run until the child has reached the age of
13 eighteen or] OR FACILITATING A SEXUAL PERFORMANCE BY A CHILD WITH A
14 CONTROLLED SUBSTANCE OR ALCOHOL AS DEFINED IN SECTION 263.30 OF THE
15 PENAL LAW, THE PERIOD OF LIMITATION SHALL NOT BEGIN TO RUN UNTIL the
16 offense is reported to a law enforcement agency or statewide central
17 register of child abuse and maltreatment, [whichever occurs earlier]
18 PROVIDED, HOWEVER, IF THE OFFENSE WAS REPORTED BEFORE THE CHILD REACHED
19 EIGHTEEN YEARS OF AGE, THE PERIOD OF LIMITATIONS SHALL NOT BEGIN TO RUN
20 UNTIL THE CHILD HAS REACHED THE AGE OF EIGHTEEN.
21   S 2. This act shall take effect on the first of November next succeed-
22 ing 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.
                                                         LBD04354-01-1