

STATE OF NEW YORK

2570

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including in the crimes of course of sexual conduct against a child in the first and second degree, additional sexual acts against a child committed prior to the child's seventeenth birthday

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 1 and 2 of section 130.75 of the penal law, as amended by chapter 1 of the laws of 2000 and paragraphs (a) and (b) of subdivision 1 as amended by chapter 264 of the laws of 2003, are amended to read as follows:

[~~1-~~] A person is guilty of course of sexual conduct against a child in the first degree when[~~, over a period of time not less than three months in duration~~]:

[~~(a) - he~~] 1. He or she engages in two or more acts of sexual conduct[~~, which~~] with a child under seventeen years old, and (i) the course of sexual conduct includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact[~~, with a child~~] occurring when such child is less than eleven years old; [~~or~~] and (ii) the course of sexual conduct includes at least one additional act of sexual conduct occurring when such child is less than eleven years old; and (iii) the time between any two of the acts of sexual conduct occurring when such child is less than eleven years old is ninety days or greater; or

[~~(b) - he~~] 2. He or she, being eighteen years old or more at the commencement of the course of sexual conduct, engages in two or more acts of sexual conduct[~~, which include~~] with a child under seventeen years old, and (i) the course of sexual conduct includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact[~~, with a~~] occurring when such child is less

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

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1 than thirteen years old; and (ii) the course of sexual conduct includes
2 at least one additional act of sexual conduct with the child occurring
3 when such child is less than thirteen years old; and (iii) the time
4 between any two of the acts of sexual conduct occurring when such child
5 is under thirteen years old is ninety days or greater.

6 ~~[2-]~~ 3. A person may not be subsequently prosecuted for any other
7 sexual offense involving the same victim unless the other charged
8 offense occurred outside the time period charged under this section.

9 § 2. Subdivisions 1 and 2 of section 130.80 of the penal law, as
10 amended by chapter 1 of the laws of 2000, are amended to read as
11 follows:

12 ~~[1-]~~ A person is guilty of course of sexual conduct against a child in
13 the second degree when~~[, over a period of time not less than three~~
14 ~~months in duration]~~:

15 ~~[(a) he]~~ 1. He or she engages in two or more acts of sexual conduct
16 with a child under seventeen years old, and (i) the course of sexual
17 conduct includes at least two acts of sexual conduct occurring when such
18 child is less than eleven years old; and (ii) the time between any two
19 of the acts of sexual conduct occurring when such child is less than
20 eleven years old is ninety days or greater; or

21 ~~[(b) he]~~ 2. He or she, being eighteen years old or more at the
22 commencement of the course of sexual conduct, engages in two or more
23 acts of sexual conduct with a child less than ~~[thirteen years old]~~
24 seventeen years old, and (i) the course of sexual conduct includes at
25 least two acts of sexual conduct occurring when such child is less than
26 thirteen years old; and (ii) the time between any two of the acts occur-
27 ring when such child is less than thirteen years old is ninety days or
28 greater.

29 ~~[2-]~~ 3. A person may not be subsequently prosecuted for any other
30 sexual offense involving the same victim unless the other charged
31 offense occurred outside the time period charged under this section.

32 § 3. This act shall take effect on the one hundred twentieth day after
33 it shall have become a law.