

STATE OF NEW YORK

794--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 11, 2019

Introduced by M. of A. SIMOTAS, COLTON, AUBRY, ENGLEBRIGHT, BRAUNSTEIN, DenDEKKER, JAFFEE, PERRY, COOK, WEPRIN, SANTABARBARA, ROZIC, HEVESI, QUART, LIFTON, OTIS, MOSLEY, FAHY, SEAWRIGHT, TAYLOR, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ARROYO, BUCHWALD, FINCH, FITZPATRICK, GALEF, GLICK, LUPARDO, MALLIOTAKIS, McDONOUGH, MONTESANO, PEOPLES-STOKES, RA -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the criminal procedure law, the correction law, the social services law, the vehicle and traffic law, the family court act, the civil rights law, the civil practice law and rules, the agriculture and markets law, the judiciary law and the domestic relations law, in relation to sex offenses; and to repeal certain provisions of the penal law relating thereto

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

1 Section 1. Sections 130.40, 130.45 and 130.50 of the penal law are
2 REPEALED.

3 § 2. Subdivisions 1 and 2 of section 130.00 of the penal law, subdivi-
4 sion 2 as amended by chapter 264 of the laws of 2003, are amended to
5 read as follows:

6 1. "[~~Sexual intercourse~~] Vaginal sexual contact" [~~has its ordinary~~
7 ~~meaning and occurs upon any penetration, however slight~~] means conduct
8 between persons consisting of contact between the penis and the vagina
9 or vulva.

10 2. (a) "Oral sexual [~~conduct~~] contact" means conduct between persons
11 consisting of contact between the mouth and the penis, the mouth and the
12 anus, or the mouth and the vulva or vagina.

13 (b) "Anal sexual [~~conduct~~] contact" means conduct between persons
14 consisting of contact between the penis and anus.

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

LBD01481-03-9

§ 3. Section 130.25 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.25 Rape in the third degree.

A person is guilty of rape in the third degree when:

1. He or she engages in [~~sexual intercourse~~] vaginal sexual contact with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

2. He or she engages in oral sexual contact with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

3. He or she engages in anal sexual contact with another person who is incapable of consent by reason of some other factor other than being less than seventeen years old;

4. Being twenty-one years old or more, he or she engages in [~~sexual intercourse~~] vaginal sexual contact with another person less than seventeen years old; [~~or~~

~~3-]~~ 5. Being twenty-one years old or more, he or she engages in oral sexual contact with another person less than seventeen years old;

6. Being twenty-one years old or more, he or she engages in anal sexual contact with another person less than seventeen years old;

7. He or she engages in [~~sexual intercourse~~] vaginal sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent[~~-~~];

8. He or she engages in oral sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent; or

9. He or she engages in anal sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than the incapacity to consent.

Rape in the third degree is a class E felony.

§ 4. Section 130.30 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.30 Rape in the second degree.

A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in [~~sexual intercourse~~] vaginal sexual contact with another person less than fifteen years old; [~~or~~

2. being eighteen years old or more, he or she engages in oral sexual contact with another person less than fifteen years old;

3. being eighteen years old or more, he or she engages in anal sexual contact with another person less than fifteen years old;

4. he or she engages in [~~sexual intercourse~~] vaginal sexual contact with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated[~~-~~];

5. he or she engages in oral sexual contact with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated; or

6. he or she engages in anal sexual contact with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in [~~subdivision~~] subdivisions one, two and three of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

§ 5. Section 130.35 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.35 Rape in the first degree.

A person is guilty of rape in the first degree when:

1. he or she engages in ~~[sexual intercourse]~~ vaginal sexual contact with another person:

[1-] (a) By forcible compulsion; or

[2-] (b) Who is incapable of consent by reason of being physically helpless; or

[3-] (c) Who is less than eleven years old; or

[4-] (d) Who is less than thirteen years old and the actor is eighteen years old or more[+];

2. he or she engages in oral sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

(c) Who is less than eleven years old; or

(d) Who is less than thirteen years old and the actor is eighteen years old or more; or

3. he or she engages in anal sexual contact with another person:

(a) by forcible compulsion; or

(b) who is incapable of consent by reason of being physically helpless; or

(c) who is less than eleven years old; or

(d) who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

§ 6. Paragraph 2 of subdivision 18 of section 10.00 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); ~~[subdivisions one and]~~ paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two, and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); ~~[subdivisions one and two of section 130.50 (criminal sexual act in the first degree);]~~ 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of ~~[the penal law]~~ this chapter.

§ 7. Subdivision 2 of section 30.00 of the penal law, as amended by section 38 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

2. A person thirteen, fourteen or, fifteen years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of this chapter; and a person fourteen or, fifteen years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); ~~subdivisions one and~~ paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of this chapter.

§ 8. Paragraph (b) of subdivision 2 of section 35.15 of the penal law, as amended by chapter 511 of the laws of 2004, is amended to read as follows:

(b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, ~~forcible criminal sexual act~~ forcible aggravated sexual abuse, or robbery; or

§ 9. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the penal law, paragraph (a) as amended by chapter 189 of the laws 2018 and paragraph (c) as amended by chapter 368 of the laws of 2015, are amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, ~~criminal sexual act in the first degree as defined in section 130.50,~~ aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first

1 degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, ~~criminal sexual act in the second degree as defined in section 130.45,~~ sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, and aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18.

§ 10. Paragraph b of subdivision 5 of section 120.40 of the penal law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

b. a crime defined in section 130.20, 130.25, 130.30, ~~130.40, 130.45,~~ 130.55, 130.60, 130.70, 255.25, 255.26 or 255.27;

§ 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivision 3 as amended by section 2 of part G of chapter 501 of the laws of 2012, are amended to read as follows:

(d) Where the offense charged is rape in the third degree as defined in ~~subdivision three~~ subdivisions seven, eight and nine of section 130.25, ~~[or criminal sexual act in the third degree as defined in subdivision three of section 130.40,~~ in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, [~~criminal sexual act in the third degree as defined in section 130.40,~~] aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

§ 12. The opening paragraph of subdivision 3 of section 125.25 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

Acting either alone or with one or more other persons, he commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, [~~criminal sexual act in the first degree,~~] sexual abuse in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

§ 13. Subdivision 5 of section 125.25 of the penal law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

5. Being eighteen years old or more, while in the course of committing rape in the first, second or third degree, [~~criminal sexual act in the first, second or third degree,~~] sexual abuse in the first degree, aggravated sexual abuse in the first, second, third or fourth degree, or incest in the first, second or third degree, against a person less than fourteen years old, he or she intentionally causes the death of such person.

§ 14. Subparagraph (vii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(vii) the victim was killed while the defendant was in the course of committing or attempting to commit and in furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, rape in the first degree, [~~criminal sexual act in the first degree,~~] sexual abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree, or in the course of and furtherance of immediate flight after committing or attempting to commit any such crime or in the course of and furtherance of immediate flight after attempting to commit the crime of murder in the second degree; provided however, the victim is not a participant in one of the aforementioned crimes and, provided further that, unless the defendant's criminal liability under this subparagraph is based upon the defendant having commanded another person to cause the death of the victim or intended victim pursuant to section 20.00 of this chapter, this subparagraph shall not apply where the defendant's criminal liability is based upon the conduct of another pursuant to section 20.00 of this chapter; or

§ 15. Subdivision 3 of section 130.10 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, [~~criminal sexual act in the third degree as defined in section 130.40,~~] aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the

1 circumstances set forth in paragraph (h) of subdivision three of section
2 130.05 of this article it shall be an affirmative defense that the
3 client or patient consented to such conduct charged after having been
4 expressly advised by the health care or mental health care provider that
5 such conduct was not performed for a valid medical purpose.

6 § 16. The opening paragraph and subdivision 2 of section 130.95 of the
7 penal law, as added by chapter 107 of the laws of 2006, are amended to
8 read as follows:

9 A person is guilty of predatory sexual assault when he or she commits
10 the crime of rape in the first degree, [~~criminal sexual act in the first~~
11 ~~degree,~~] aggravated sexual abuse in the first degree, or course of sexu-
12 al conduct against a child in the first degree, as defined in this arti-
13 cle, and when:

14 2. He or she has engaged in conduct constituting the crime of rape in
15 the first degree, [~~criminal sexual act in the first degree,~~] aggravated
16 sexual abuse in the first degree, or course of sexual conduct against a
17 child in the first degree, as defined in this article, against one or
18 more additional persons; or

19 § 17. The opening paragraph of section 130.96 of the penal law, as
20 added by chapter 107 of the laws of 2006, is amended to read as follows:

21 A person is guilty of predatory sexual assault against a child when,
22 being eighteen years old or more, he or she commits the crime of rape in
23 the first degree, [~~criminal sexual act in the first degree,~~] aggravated
24 sexual abuse in the first degree, or course of sexual conduct against a
25 child in the first degree, as defined in this article, and the victim is
26 less than thirteen years old.

27 § 18. Subdivision 2 of section 240.75 of the penal law, as amended by
28 section 8 of part NN of chapter 55 of the laws of 2018, is amended to
29 read as follows:

30 2. A "specified offense" is an offense defined in section 120.00
31 (assault in the third degree); section 120.05 (assault in the second
32 degree); section 120.10 (assault in the first degree); section 120.13
33 (menacing in the first degree); section 120.14 (menacing in the second
34 degree); section 120.15 (menacing in the third degree); section 120.20
35 (reckless endangerment in the second degree); section 120.25 (reckless
36 endangerment in the first degree); section 120.45 (stalking in the
37 fourth degree); section 120.50 (stalking in the third degree); section
38 120.55 (stalking in the second degree); section 120.60 (stalking in the
39 first degree); section 121.11 (criminal obstruction of breathing or
40 blood circulation); section 121.12 (strangulation in the second degree);
41 section 121.13 (strangulation in the first degree); subdivision one of
42 section 125.15 (manslaughter in the second degree); subdivision one, two
43 or four of section 125.20 (manslaughter in the first degree); section
44 125.25 (murder in the second degree); section 130.20 (sexual miscon-
45 duct); section 130.25 (rape in the third degree); section 130.30 (rape
46 in the second degree); section 130.35 (rape in the first degree);
47 section 130.40 (criminal sexual act in the third degree); section 130.45
48 (criminal sexual act in the second degree); section 130.50 (criminal
49 sexual act in the first degree); section 130.52 (forcible touching);
50 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
51 in the third degree); section 130.60 (sexual abuse in the second
52 degree); section 130.65 (sexual abuse in the first degree); section
53 130.66 (aggravated sexual abuse in the third degree); section 130.67
54 (aggravated sexual abuse in the second degree); section 130.70 (aggra-
55 vated sexual abuse in the first degree); section 130.91 (sexually moti-
56 vated felony); section 130.95 (predatory sexual assault); section 130.96

(predatory sexual assault against a child); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 145.14 (criminal tampering in the third degree); section 215.50 (criminal contempt in the second degree); section 215.51 (criminal contempt in the first degree); section 215.52 (aggravated criminal contempt); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); aggravated family offense as defined in this section or any attempt or conspiracy to commit any of the foregoing offenses where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law.

§ 19. Section 255.26 of the penal law, as added by chapter 320 of the laws of 2006, is amended to read as follows:

§ 255.26 Incest in the second degree.

A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, as defined in section 130.30 of this part, ~~[or criminal sexual act in the second degree, as defined in section 130.45 of this part,]~~ against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the second degree is a class D felony.

§ 20. Section 255.27 of the penal law, as added by chapter 320 of the laws of 2006, is amended to read as follows:

§ 255.27 Incest in the first degree.

A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, as defined in paragraph (c) or (d) of subdivision ~~[three or four]~~ one, paragraph (c) or (d) of subdivision two and paragraph (c) or (d) of subdivision three of section 130.35 of this part~~[, or criminal sexual act in the first degree, as defined in subdivision three or four of section 130.50 of this part,]~~ against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Incest in the first degree is a class B felony.

§ 21. Subdivision 3 of section 485.05 of the penal law, as amended by section 9 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree);

1 section 121.13 (strangulation in the first degree); subdivision one of
2 section 125.15 (manslaughter in the second degree); subdivision one, two
3 or four of section 125.20 (manslaughter in the first degree); section
4 125.25 (murder in the second degree); section 120.45 (stalking in the
5 fourth degree); section 120.50 (stalking in the third degree); section
6 120.55 (stalking in the second degree); section 120.60 (stalking in the
7 first degree); paragraph (a) of subdivision one, paragraph (a) of subdi-
8 vision two and paragraph (a) of subdivision three of section 130.35
9 (rape in the first degree); subdivision one of section 130.50 (criminal
10 sexual act in the first degree); subdivision one of section 130.65
11 (sexual abuse in the first degree); paragraph (a) of subdivision one of
12 section 130.67 (aggravated sexual abuse in the second degree); paragraph
13 (a) of subdivision one of section 130.70 (aggravated sexual abuse in the
14 first degree); section 135.05 (unlawful imprisonment in the second
15 degree); section 135.10 (unlawful imprisonment in the first degree);
16 section 135.20 (kidnapping in the second degree); section 135.25
17 (kidnapping in the first degree); section 135.60 (coercion in the third
18 degree); section 135.61 (coercion in the second degree); section 135.65
19 (coercion in the first degree); section 140.10 (criminal trespass in the
20 third degree); section 140.15 (criminal trespass in the second degree);
21 section 140.17 (criminal trespass in the first degree); section 140.20
22 (burglary in the third degree); section 140.25 (burglary in the second
23 degree); section 140.30 (burglary in the first degree); section 145.00
24 (criminal mischief in the fourth degree); section 145.05 (criminal
25 mischief in the third degree); section 145.10 (criminal mischief in the
26 second degree); section 145.12 (criminal mischief in the first degree);
27 section 150.05 (arson in the fourth degree); section 150.10 (arson in
28 the third degree); section 150.15 (arson in the second degree); section
29 150.20 (arson in the first degree); section 155.25 (petit larceny);
30 section 155.30 (grand larceny in the fourth degree); section 155.35
31 (grand larceny in the third degree); section 155.40 (grand larceny in
32 the second degree); section 155.42 (grand larceny in the first degree);
33 section 160.05 (robbery in the third degree); section 160.10 (robbery in
34 the second degree); section 160.15 (robbery in the first degree);
35 section 240.25 (harassment in the first degree); subdivision one, two or
36 four of section 240.30 (aggravated harassment in the second degree); or
37 any attempt or conspiracy to commit any of the foregoing offenses.

38 § 22. Subdivision 42 of section 1.20 of the criminal procedure law, as
39 amended by chapter 7 of the laws of 2007, is amended to read as follows:

40 42. "Juvenile offender" means (1) a person, thirteen years old who is
41 criminally responsible for acts constituting murder in the second degree
42 as defined in subdivisions one and two of section 125.25 of the penal
43 law, or such conduct as a sexually motivated felony, where authorized
44 pursuant to section 130.91 of the penal law; and (2) a person fourteen
45 or fifteen years old who is criminally responsible for acts constituting
46 the crimes defined in subdivisions one and two of section 125.25 (murder
47 in the second degree) and in subdivision three of such section provided
48 that the underlying crime for the murder charge is one for which such
49 person is criminally responsible; section 135.25 (kidnapping in the
50 first degree); 150.20 (arson in the first degree); subdivisions one and
51 two of section 120.10 (assault in the first degree); 125.20 (manslaught-
52 er in the first degree); [~~subdivisions one and~~ paragraphs (a) and (b)
53 of subdivision one, paragraphs (a) and (b) of subdivision two and para-
54 graphs (a) and (b) of subdivision three of section 130.35 (rape in the
55 first degree); [~~subdivisions one and two of section 130.50 (criminal~~
56 ~~sexual act in the first degree);~~ 130.70 (aggravated sexual abuse in the

1 first degree); 140.30 (burglary in the first degree); subdivision one of
2 section 140.25 (burglary in the second degree); 150.15 (arson in the
3 second degree); 160.15 (robbery in the first degree); subdivision two of
4 section 160.10 (robbery in the second degree) of the penal law; or
5 section 265.03 of the penal law, where such machine gun or such firearm
6 is possessed on school grounds, as that phrase is defined in subdivision
7 fourteen of section 220.00 of the penal law; or defined in the penal law
8 as an attempt to commit murder in the second degree or kidnapping in the
9 first degree, or such conduct as a sexually motivated felony, where
10 authorized pursuant to section 130.91 of the penal law.

11 § 23. Paragraphs (a) and (b) of subdivision 1, the opening paragraph
12 of subdivision 2 and paragraph (a) of subdivision 3 of section 140.20 of
13 the criminal procedure law, paragraphs (a) and (b) of subdivision 1 as
14 amended by chapter 324 of the laws of 1988, the opening paragraph of
15 subdivision 2 and paragraph (a) of subdivision 3 as amended by chapter
16 550 of the laws of 1987, are amended to read as follows:

17 (a) If the arrest is for an offense other than a class A, B, C or D
18 felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17,
19 205.19 or 215.56 of the penal law committed in a town, but not in a
20 village thereof having a village court, and the town court of such town
21 is not available at the time, the arrested person may be brought before
22 the local criminal court of any village within such town or, any adjoining
23 town, village embraced in whole or in part by such adjoining town,
24 or city of the same county; and

25 (b) If the arrest is for an offense other than a class A, B, C or D
26 felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17,
27 205.19 or 215.56 of the penal law committed in a village having a
28 village court and such court is not available at the time, the arrested
29 person may be brought before the town court of the town embracing such
30 village or any other village court within such town, or, if such town or
31 village court is not available either, before the local criminal court
32 of any adjoining town, village embraced in whole or in part by such
33 adjoining town, or city of the same county; and

34 If the arrest is for an offense other than a class A, B, C or D felony
35 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
36 215.56 of the penal law, the arrested person need not be brought before
37 a local criminal court as provided in subdivision one, and the procedure
38 may instead be as follows:

39 (a) the arrest is for an offense other than a class A, B, C or D felo-
40 ny or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
41 215.56 of the penal law, and

42 § 24. Paragraph (a) of subdivision 3 and the opening paragraph of
43 subdivision 4 of section 140.27 of the criminal procedure law, as
44 amended by chapter 550 of the laws of 1987, are amended to read as
45 follows:

46 (a) the arrest is for an offense other than a class A, B, C or D felo-
47 ny or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
48 215.56 of the penal law and

49 If the arrest is for an offense other than a class A, B, C or D felony
50 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
51 215.56 of the penal law, the arrested person need not be brought before
52 a local criminal court as provided in subdivision two, and the procedure
53 may instead be as follows:

54 § 25. Paragraph (a) of subdivision 2 and the opening paragraph of
55 subdivision 3 of section 140.40 of the criminal procedure law, as

1 amended by chapter 550 of the laws of 1987, are amended to read as
2 follows:

3 (a) the arrest is for an offense other than a class A, B, C or D felo-
4 ny or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
5 215.56 of the penal law and

6 If the arrest is for an offense other than a class A, B, C or D felony
7 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
8 215.56 of the penal law, the arrested person need not be brought before
9 a local criminal court, as provided in subdivision one, and the proce-
10 dure may instead be as follows:

11 § 26. Section 150.20 of the criminal procedure law, subdivisions 1, 2
12 and 3 as amended by chapter 550 of the laws of 1987, is amended to read
13 as follows:

14 § 150.20 Appearance ticket; when and by whom issuable.

15 1. Whenever a police officer is authorized pursuant to section 140.10
16 to arrest a person without a warrant for an offense other than a class
17 A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10,
18 205.17, 205.19 or 215.56 of the penal law, he may, subject to the
19 provisions of subdivisions three and four of section 150.40, instead
20 issue to and serve upon such person an appearance ticket.

21 2. (a) Whenever a police officer has arrested a person without a
22 warrant for an offense other than a class A, B, C or D felony or a
23 violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56
24 of the penal law pursuant to section 140.10, or (b) whenever a peace
25 officer, who is not authorized by law to issue an appearance ticket, has
26 arrested a person for an offense other than a class A, B, C or D felony
27 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or
28 215.56 of the penal law pursuant to section 140.25, and has requested a
29 police officer to issue and serve upon such arrested person an appear-
30 ance ticket pursuant to subdivision four of section 140.27, or (c) when-
31 ever a person has been arrested for an offense other than a class A, B,
32 C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10,
33 205.17, 205.19 or 215.56 of the penal law and has been delivered to the
34 custody of an appropriate police officer pursuant to section 140.40,
35 such police officer may, instead of bringing such person before a local
36 criminal court and promptly filing or causing the arresting peace offi-
37 cer or arresting person to file a local criminal court accusatory
38 instrument therewith, issue to and serve upon such person an appearance
39 ticket. The issuance and service of an appearance ticket under such
40 circumstances may be conditioned upon a deposit of pre-arraignment bail,
41 as provided in section 150.30.

42 3. A public servant other than a police officer, who is specially
43 authorized by state law or local law enacted pursuant to the provisions
44 of the municipal home rule law to issue and serve appearance tickets
45 with respect to designated offenses other than class A, B, C or D felo-
46 nies or violations of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19
47 or 215.56 of the penal law, may in such cases issue and serve upon a
48 person an appearance ticket when he has reasonable cause to believe that
49 such person has committed a crime, or has committed a petty offense in
50 his presence.

51 § 27. Subdivision (a) of section 190.71 of the criminal procedure law,
52 as amended by chapter 7 of the laws of 2007, is amended to read as
53 follows:

54 (a) Except as provided in subdivision six of section 200.20 of this
55 chapter, a grand jury may not indict (i) a person thirteen years of age
56 for any conduct or crime other than conduct constituting a crime defined

1 in subdivisions one and two of section 125.25 (murder in the second
2 degree) or such conduct as a sexually motivated felony, where authorized
3 pursuant to section 130.91 of the penal law; (ii) a person fourteen or
4 fifteen years of age for any conduct or crime other than conduct consti-
5 tuting a crime defined in subdivisions one and two of section 125.25
6 (murder in the second degree) and in subdivision three of such section
7 provided that the underlying crime for the murder charge is one for
8 which such person is criminally responsible; 135.25 (kidnapping in the
9 first degree); 150.20 (arson in the first degree); subdivisions one and
10 two of section 120.10 (assault in the first degree); 125.20 (manslaught-
11 er in the first degree); ~~[subdivisions one and~~ paragraphs (a) and (b)
12 of subdivision one, paragraphs (a) and (b) of subdivision two and para-
13 graphs (a) and (b) of subdivision three of section 130.35 (rape in the
14 first degree); ~~[subdivisions one and two of section 130.50 (criminal~~
15 ~~sexual act in the first degree);]~~ 130.70 (aggravated sexual abuse in the
16 first degree); 140.30 (burglary in the first degree); subdivision one of
17 section 140.25 (burglary in the second degree); 150.15 (arson in the
18 second degree); 160.15 (robbery in the first degree); subdivision two of
19 section 160.10 (robbery in the second degree) of the penal law; ~~[subdi-~~
20 ~~vision four of section 265.02 of the penal law, where such firearm is~~
21 ~~possessed on school grounds, as that phrase is defined in subdivision~~
22 ~~fourteen of section 220.00 of the penal law;]~~ or section 265.03 of the
23 penal law, where such machine gun or such firearm is possessed on school
24 grounds, as that phrase is defined in subdivision fourteen of section
25 220.00 of the penal law; or defined in the penal law as an attempt to
26 commit murder in the second degree or kidnapping in the first degree, or
27 such conduct as a sexually motivated felony, where authorized pursuant
28 to section 130.91 of the penal law.

29 § 28. Subdivision 4 of section 722.20 of the criminal procedure law,
30 as added by section 1-a of part WWW of chapter 59 of the laws of 2017,
31 is amended to read as follows:

32 4. Notwithstanding the provisions of subdivisions two and three of
33 this section, the court shall, at the request of the district attorney,
34 order removal of an action against a juvenile offender to the family
35 court pursuant to the provisions of article seven hundred twenty-five of
36 this title if, upon consideration of the criteria specified in subdivi-
37 sion two of section 722.22 of this article, it is determined that to do
38 so would be in the interests of justice. Where, however, the felony
39 complaint charges the juvenile offender with murder in the second degree
40 as defined in section 125.25 of the penal law, rape in the first degree
41 as defined in paragraph (a) of subdivision one, paragraph (a) of subdivi-
42 vision two and paragraph (a) of subdivision three of section 130.35 of
43 the penal law, ~~[criminal sexual act in the first degree as defined in~~
44 ~~subdivision one of section 130.50 of the penal law,]~~ or an armed felony
45 as defined in paragraph (a) of subdivision forty-one of section 1.20 of
46 this chapter, a determination that such action be removed to the family
47 court shall, in addition, be based upon a finding of one or more of the
48 following factors: (i) mitigating circumstances that bear directly upon
49 the manner in which the crime was committed; or (ii) where the defendant
50 was not the sole participant in the crime, the defendant's participation
51 was relatively minor although not so minor as to constitute a defense to
52 the prosecution; or (iii) possible deficiencies in proof of the crime.

53 § 29. Subdivision 5 of section 722.21 of the criminal procedure law,
54 as added by section 1-a of part WWW of chapter 59 of the laws of 2017,
55 is amended to read as follows:

1 5. Notwithstanding subdivisions two and three of this section, at the
2 request of the district attorney, the court shall order removal of an
3 action against an adolescent offender charged with an offense listed in
4 paragraph (a) of subdivision two of section 722.23 of this article, to
5 the family court pursuant to the provisions of article seven hundred
6 twenty-five of this title and upon consideration of the criteria speci-
7 fied in subdivision two of section 722.22 of this article, it is deter-
8 mined that to do so would be in the interests of justice. Where, howev-
9 er, the felony complaint charges the adolescent offender with murder in
10 the second degree as defined in section 125.25 of the penal law, rape in
11 the first degree as defined in paragraph (a) of subdivision one, para-
12 graph (a) of subdivision two and paragraph (a) of subdivision three of
13 section 130.35 of the penal law, [~~criminal sexual act in the first~~
14 ~~degree as defined in subdivision one of section 130.50 of the penal~~
15 ~~law,~~] or an armed felony as defined in paragraph (a) of subdivision
16 forty-one of section 1.20 of this chapter, a determination that such
17 action be removed to the family court shall, in addition, be based upon
18 a finding of one or more of the following factors: (i) mitigating
19 circumstances that bear directly upon the manner in which the crime was
20 committed; or (ii) where the defendant was not the sole participant in
21 the crime, the defendant's participation was relatively minor although
22 not so minor as to constitute a defense to the prosecution; or (iii)
23 possible deficiencies in proof of the crime.

24 § 30. Paragraph (b) of subdivision 1 of section 722.22 of the criminal
25 procedure law, as added by section 1-a of part WWW of chapter 59 of the
26 laws of 2017, is amended to read as follows:

27 (b) with the consent of the district attorney, order removal of an
28 action involving an indictment charging a juvenile offender with murder
29 in the second degree as defined in section 125.25 of the penal law; rape
30 in the first degree, as defined in paragraph (a) of subdivision one,
31 paragraph (a) of subdivision two and paragraph (a) of subdivision three
32 of section 130.35 of the penal law[~~; criminal sexual act in the first~~
33 ~~degree, as defined in subdivision one of section 130.50 of the penal~~
34 ~~law~~]; or an armed felony as defined in paragraph (a) of subdivision
35 forty-one of section 1.20 of this chapter, to the family court pursuant
36 to the provisions of article seven hundred twenty-five of this title if
37 the court finds one or more of the following factors: (i) mitigating
38 circumstances that bear directly upon the manner in which the crime was
39 committed; (ii) where the defendant was not the sole participant in the
40 crime, the defendant's participation was relatively minor although not
41 so minor as to constitute a defense to the prosecution; or (iii) possi-
42 ble deficiencies in the proof of the crime, and, after consideration of
43 the factors set forth in subdivision two of this section, the court
44 determined that removal of the action to the family court would be in
45 the interests of justice.

46 § 31. Subparagraph (iii) of paragraph (g) of subdivision 5 of section
47 220.10 of the criminal procedure law, as amended by chapter 264 of the
48 laws of 2003, is amended to read as follows:

49 (iii) Where the indictment does not charge a crime specified in
50 subparagraph (i) of this paragraph, the district attorney may recommend
51 removal of the action to the family court. Upon making such recommenda-
52 tion the district attorney shall submit a subscribed memorandum setting
53 forth: (1) a recommendation that the interests of justice would best be
54 served by removal of the action to the family court; and (2) if the
55 indictment charges a thirteen year old with the crime of murder in the
56 second degree, or a fourteen or fifteen year old with the crimes of rape

1 in the first degree as defined in paragraph (a) of subdivision one,
2 paragraph (a) of subdivision two and paragraph (a) of subdivision three
3 of section 130.35 of the penal law, [~~or criminal sexual act in the first~~
4 ~~degree as defined in subdivision one of section 130.50 of the penal~~
5 ~~law,~~] or an armed felony as defined in paragraph (a) of subdivision
6 forty-one of section 1.20 of this chapter specific factors, one or more
7 of which reasonably supports the recommendation, showing, (i) mitigating
8 circumstances that bear directly upon the manner in which the crime was
9 committed, or (ii) where the defendant was not the sole participant in
10 the crime, that the defendant's participation was relatively minor
11 although not so minor as to constitute a defense to the prosecution, or
12 (iii) possible deficiencies in proof of the crime, or (iv) where the
13 juvenile offender has no previous adjudications of having committed a
14 designated felony act, as defined in subdivision eight of section 301.2
15 of the family court act, regardless of the age of the offender at the
16 time of commission of the act, that the criminal act was not part of a
17 pattern of criminal behavior and, in view of the history of the offen-
18 der, is not likely to be repeated.

19 § 32. Subdivision 6 of section 300.50 of the criminal procedure law,
20 as amended by chapter 264 of the laws of 2003, is amended to read as
21 follows:

22 6. For purposes of this section, the offenses of rape in the third
23 degree as defined in [~~subdivision three~~] subdivisions seven, eight and
24 nine of section 130.25 of the penal law [~~and criminal sexual act in the~~
25 ~~third degree as defined in subdivision three of section 130.40 of the~~
26 ~~penal law~~], are not lesser included offenses of rape in the first
27 degree[, ~~criminal sexual act in the first degree~~] or any other offense.
28 Notwithstanding the foregoing, either such offense may be submitted as a
29 lesser included offense of the applicable first degree offense when (i)
30 there is a reasonable view of the evidence which would support a finding
31 that the defendant committed such lesser offense but did not commit the
32 greater offense, and (ii) both parties consent to its submission.

33 § 32-a. Subdivision 6 of section 380.50 of the criminal procedure law,
34 as separately amended by chapters 368 and 394 of the laws of 2015, is
35 amended to read as follows:

36 6. Regardless of whether the victim requests to make a statement with
37 regard to the defendant's sentence, where the defendant is sentenced for
38 a violent felony offense as defined in section 70.02 of the penal law or
39 a felony defined in article one hundred twenty-five of such law or any
40 of the following provisions of such law sections 130.25, 130.30,
41 [~~130.40, 130.45,~~] 255.25, 255.26, 255.27, article two hundred sixty-
42 three, 135.10, 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivi-
43 sion two of section 230.30 or 230.32, the prosecutor shall, within sixty
44 days of the imposition of sentence, provide the victim with a form,
45 prepared and distributed by the commissioner of the division of criminal
46 justice services, in consultation with the director of the office of
47 victim services, on which the victim may indicate a demand to be
48 informed of any petition to change the name of such defendant. Such
49 forms shall be maintained by such prosecutor. Upon receipt of a notice
50 of a petition to change the name of any such defendant, pursuant to
51 subdivision two of section sixty-two of the civil rights law, the prose-
52 cutor shall promptly notify the victim at the most current address or
53 telephone number provided by such victim in the most reasonable and
54 expedient possible manner of the time and place such petition will be
55 presented to the court.

§ 33. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 1 of the laws of 2019, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, ~~criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law,~~ sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, robbery in the second degree as defined in

1 section 160.10 of the penal law, robbery in the first degree as defined
2 in section 160.15 of the penal law, unlawful use of secret scientific
3 material as defined in section 165.07 of the penal law, criminal
4 possession of stolen property in the fourth degree as defined in section
5 165.45 of the penal law, criminal possession of stolen property in the
6 third degree as defined in section 165.50 of the penal law, criminal
7 possession of stolen property in the second degree as defined by section
8 165.52 of the penal law, criminal possession of stolen property in the
9 first degree as defined by section 165.54 of the penal law, trademark
10 counterfeiting in the second degree as defined in section 165.72 of the
11 penal law, trademark counterfeiting in the first degree as defined in
12 section 165.73 of the penal law, forgery in the second degree as defined
13 in section 170.10 of the penal law, forgery in the first degree as
14 defined in section 170.15 of the penal law, criminal possession of a
15 forged instrument in the second degree as defined in section 170.25 of
16 the penal law, criminal possession of a forged instrument in the first
17 degree as defined in section 170.30 of the penal law, criminal
18 possession of forgery devices as defined in section 170.40 of the penal
19 law, falsifying business records in the first degree as defined in
20 section 175.10 of the penal law, tampering with public records in the
21 first degree as defined in section 175.25 of the penal law, offering a
22 false instrument for filing in the first degree as defined in section
23 175.35 of the penal law, issuing a false certificate as defined in
24 section 175.40 of the penal law, criminal diversion of prescription
25 medications and prescriptions in the second degree as defined in section
26 178.20 of the penal law, criminal diversion of prescription medications
27 and prescriptions in the first degree as defined in section 178.25 of
28 the penal law, residential mortgage fraud in the fourth degree as
29 defined in section 187.10 of the penal law, residential mortgage fraud
30 in the third degree as defined in section 187.15 of the penal law, resi-
31 dential mortgage fraud in the second degree as defined in section 187.20
32 of the penal law, residential mortgage fraud in the first degree as
33 defined in section 187.25 of the penal law, escape in the second degree
34 as defined in section 205.10 of the penal law, escape in the first
35 degree as defined in section 205.15 of the penal law, absconding from
36 temporary release in the first degree as defined in section 205.17 of
37 the penal law, promoting prison contraband in the first degree as
38 defined in section 205.25 of the penal law, hindering prosecution in the
39 second degree as defined in section 205.60 of the penal law, hindering
40 prosecution in the first degree as defined in section 205.65 of the
41 penal law, sex trafficking as defined in section 230.34 of the penal
42 law, sex trafficking of a child as defined in section 230.34-a of the
43 penal law, criminal possession of a weapon in the third degree as
44 defined in subdivisions two, three and five of section 265.02 of the
45 penal law, criminal possession of a weapon in the second degree as
46 defined in section 265.03 of the penal law, criminal possession of a
47 weapon in the first degree as defined in section 265.04 of the penal
48 law, manufacture, transport, disposition and defacement of weapons and
49 dangerous instruments and appliances defined as felonies in subdivisions
50 one, two, and three of section 265.10 of the penal law, sections 265.11,
51 265.12 and 265.13 of the penal law, or prohibited use of weapons as
52 defined in subdivision two of section 265.35 of the penal law, relating
53 to firearms and other dangerous weapons, or failure to disclose the
54 origin of a recording in the first degree as defined in section 275.40
55 of the penal law;

§ 34. Paragraph (a) of subdivision 2 of section 720.10 of the criminal procedure law, as amended by chapter 316 of the laws of 2006, is amended to read as follows:

(a) the conviction to be replaced by a youthful offender finding is for (i) a class A-I or class A-II felony, or (ii) an armed felony as defined in subdivision forty-one of section 1.20, except as provided in subdivision three, or (iii) rape in the first degree~~[, criminal sexual act in the first degree,]~~ or aggravated sexual abuse, except as provided in subdivision three, or

§ 35. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision 3 of section 168-a of the correction law, paragraph (a) of subdivision 2 as amended by chapter 405 of the laws of 2008, subparagraph (i) of paragraph (a) of subdivision 2 as amended by chapter 189 of the laws of 2018 and paragraph (a) of subdivision 3 as amended by chapter 107 of the laws of 2006, are amended to read as follows:

(a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, ~~[130.40, 130.45,]~~ 130.60, 230.34, 230.34-a 250.50, 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or section 230.25 of the penal law where the person prostituted is in fact less than seventeen years old, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of section 235.22 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law or as a sexually motivated felony defined in section 130.91 of such law; or

(a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.35, ~~[130.50,]~~ 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.53, 130.65-a and 130.90 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or

§ 36. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii) of paragraph (b) and paragraph (e) of subdivision 8 of section 384-b of the social services law, subparagraph (ii) of paragraph (a) and subparagraph (i) of paragraph (b) as amended by chapter 430 of the laws of 2013, subparagraph (ii) of paragraph (b) as amended and paragraph (e) as added by chapter 7 of the laws of 1999, are amended to read as follows:

(ii) the child has been found to be an abused child, as defined in paragraph (iii) of subdivision (e) of section ten hundred twelve of the family court act, as a result of such parent's acts; provided, however, the respondent must have committed or knowingly allowed to be committed a felony sex offense as defined in sections 130.25, 130.30, 130.35, ~~[130.40, 130.45, 130.50,]~~ 130.65, 130.67, 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law and, for the purposes of this section the

1 corroboration requirements contained in the penal law shall not apply to
2 proceedings under this section; or

3 (i) the child has been found to be an abused child, (A) as defined in
4 paragraph (i) of subdivision (e) of section ten hundred twelve of the
5 family court act, as a result of such parent's acts; or (B) as defined
6 in paragraph (iii) of subdivision (e) of section ten hundred twelve of
7 the family court act, as a result of such parent's acts; provided,
8 however, the respondent must have committed or knowingly allowed to be
9 committed a felony sex offense as defined in sections 130.25, 130.30,
10 130.35, ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67, 130.70, 130.75,
11 130.80, 130.95 and 130.96 of the penal law; and

12 (ii) (A) the child or another child for whose care such parent is or
13 has been legally responsible has been previously found, within the five
14 years immediately preceding the initiation of the proceeding in which
15 such abuse is found, to be an abused child, as defined in paragraph (i)
16 or (iii) of subdivision (e) of section ten hundred twelve of the family
17 court act, as a result of such parent's acts; provided, however, in the
18 case of a finding of abuse as defined in paragraph (iii) of subdivision
19 (e) of section ten hundred twelve of the family court act the respondent
20 must have committed or knowingly allowed to be committed a felony sex
21 offense as defined in sections 130.25, 130.30, 130.35, ~~[130.40, 130.45,~~
22 ~~130.50]~~ 130.65, 130.67, 130.70, 130.75 and 130.80 of the penal law, or
23 (B) the parent has been convicted of a crime under section 130.25,
24 130.30, 130.35, ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67, 130.70, 130.75
25 or 130.80 of the penal law against the child, a sibling of the child or
26 another child for whose care such parent is or has been legally respon-
27 sible, within the five year period immediately preceding the initiation
28 of the proceeding in which abuse is found; and

29 (e) A determination by the court in accordance with article ten of the
30 family court act based upon clear and convincing evidence that a child
31 was abused (A) as defined in paragraph (i) of subdivision (e) of section
32 ten hundred twelve of the family court act, as a result of such parent's
33 acts; or (B) as defined in paragraph (iii) of subdivision (e) of section
34 ten hundred twelve of the family court act, as a result of such parent's
35 acts; provided, however, the respondent must have committed or knowingly
36 allowed to be committed a felony sex offense as defined in sections
37 130.25, 130.30, 130.35, ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67,
38 130.70, 130.75 and 130.80 of the penal law shall establish that the
39 child was an abused child for the purpose of a determination as required
40 by subparagraph (i) or (ii) of paragraph (b) of this subdivision. Such a
41 determination by the court in accordance with article ten of the family
42 court act based upon a fair preponderance of evidence shall be admissi-
43 ble in any proceeding commenced in accordance with this section.

44 § 37. Paragraphs (a) and (b) of subdivision 4 of section 509-cc of the
45 vehicle and traffic law, paragraph (a) as amended by chapter 189 of the
46 laws of 2018 and paragraph (b) as amended by chapter 400 of the laws of
47 2011, are amended to read as follows:

48 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of
49 subdivision one and paragraph (a) of subdivision two of this section
50 that result in permanent disqualification shall include a conviction
51 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,
52 125.25, 125.26, 125.27, 130.30, 130.35, ~~[130.45, 130.50]~~ 130.65,
53 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25,
54 150.20, 230.30, 230.32, 230.34, 230.34-a, 235.22, 263.05, 263.10,
55 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of
56 the aforesaid offenses under section 110.00 of the penal law, or any

1 offenses committed under a former section of the penal law which would
2 constitute violations of the aforesaid sections of the penal law, or any
3 offenses committed outside this state which would constitute violations
4 of the aforesaid sections of the penal law.

5 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of
6 subdivision one and paragraph (b) of subdivision two of this section
7 that result in permanent disqualification shall include a conviction
8 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 120.70, 125.10,
9 125.11, ~~[130.40,]~~ 130.53, 130.60, 130.65-a, 135.20, 160.15, 220.18,
10 220.21, 220.39, 220.41, 220.43, 220.44, 230.25, 260.00, 265.04 of the
11 penal law or an attempt to commit any of the aforesaid offenses under
12 section 110.00 of the penal law, or any offenses committed under a
13 former section of the penal law which would constitute violations of the
14 aforesaid sections of the penal law, or any offenses committed outside
15 this state which would constitute violations of the aforesaid sections
16 of the penal law.

17 § 38. Subdivision (b) of section 117 of the family court act, as
18 amended by chapter 7 of the laws of 2007, is amended to read as follows:

19 (b) For every juvenile delinquency proceeding under article three
20 involving an allegation of an act committed by a person which, if done
21 by an adult, would be a crime (i) defined in sections 125.27 (murder in
22 the first degree); 125.25 (murder in the second degree); 135.25 (kidnap-
23 ping in the first degree); or 150.20 (arson in the first degree) of the
24 penal law committed by a person thirteen, fourteen or fifteen years of
25 age; or such conduct committed as a sexually motivated felony, where
26 authorized pursuant to section 130.91 of the penal law; (ii) defined in
27 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
28 the first degree); 130.35 (rape in the first degree); ~~[130.50 (criminal~~
29 ~~sexual act in the first degree);]~~ 135.20 (kidnapping in the second
30 degree), but only where the abduction involved the use or threat of use
31 of deadly physical force; 150.15 (arson in the second degree); or 160.15
32 (robbery in the first degree) of the penal law committed by a person
33 thirteen, fourteen or fifteen years of age; or such conduct committed as
34 a sexually motivated felony, where authorized pursuant to section 130.91
35 of the penal law; (iii) defined in the penal law as an attempt to commit
36 murder in the first or second degree or kidnapping in the first degree
37 committed by a person thirteen, fourteen or fifteen years of age; or
38 such conduct committed as a sexually motivated felony, where authorized
39 pursuant to section 130.91 of the penal law; (iv) defined in section
40 140.30 (burglary in the first degree); subdivision one of section 140.25
41 (burglary in the second degree); subdivision two of section 160.10
42 (robbery in the second degree) of the penal law; or section 265.03 of
43 the penal law, where such machine gun or such firearm is possessed on
44 school grounds, as that phrase is defined in subdivision fourteen of
45 section 220.00 of the penal law committed by a person fourteen or
46 fifteen years of age; or such conduct committed as a sexually motivated
47 felony, where authorized pursuant to section 130.91 of the penal law;
48 (v) defined in section 120.05 (assault in the second degree) or 160.10
49 (robbery in the second degree) of the penal law committed by a person
50 fourteen or fifteen years of age but only where there has been a prior
51 finding by a court that such person has previously committed an act
52 which, if committed by an adult, would be the crime of assault in the
53 second degree, robbery in the second degree or any designated felony act
54 specified in clause (i), (ii) or (iii) of this subdivision regardless of
55 the age of such person at the time of the commission of the prior act;
56 or (vi) other than a misdemeanor, committed by a person at least seven

1 but less than sixteen years of age, but only where there has been two
2 prior findings by the court that such person has committed a prior act
3 which, if committed by an adult would be a felony:

4 (i) There is hereby established in the family court in the city of New
5 York at least one "designated felony act part." Such part or parts shall
6 be held separate from all other proceedings of the court, and shall have
7 jurisdiction over all proceedings involving such an allegation. All such
8 proceedings shall be originated in or be transferred to this part from
9 other parts as they are made known to the court.

10 (ii) Outside the city of New York, all proceedings involving such an
11 allegation shall have a hearing preference over every other proceeding
12 in the court, except proceedings under article ten.

13 § 39. Paragraph (ii) of subdivision 8 of section 301.2 of the family
14 court act, as amended by section 57 of part WWW of chapter 59 of the
15 laws of 2017, is amended to read as follows:

16 (ii) defined in sections 120.10 (assault in the first degree); 125.20
17 (manslaughter in the first degree); 130.35 (rape in the first degree);
18 ~~[130.50 (criminal sexual act in the first degree);]~~ 130.70 (aggravated
19 sexual abuse in the first degree); 135.20 (kidnapping in the second
20 degree) but only where the abduction involved the use or threat of use
21 of deadly physical force; 150.15 (arson in the second degree) or 160.15
22 (robbery in the first degree) of the penal law committed by a person
23 thirteen, fourteen, fifteen, or sixteen, or, commencing October first,
24 two thousand nineteen, seventeen years of age; or such conduct committed
25 as a sexually motivated felony, where authorized pursuant to section
26 130.91 of the penal law;

27 § 40. Subdivision 4 of section 308.1 of the family court act, as
28 amended by chapter 264 of the laws of 2003, is amended to read as
29 follows:

30 4. The probation service shall not adjust a case in which the child
31 has allegedly committed a delinquent act which would be a crime defined
32 in section 120.25, (reckless endangerment in the first degree), ~~[subdi-~~
33 ~~vision one of section 125.15, (manslaughter in the second degree),~~
34 ~~subdivision]~~ subdivisions one, two and three of section 130.25, (rape in
35 the third degree), ~~[subdivision one of section 130.40, (criminal sexual~~
36 ~~act in the third degree),]~~ subdivision one or two of section 130.65,
37 (sexual abuse in the first degree), section 135.65, (coercion in the
38 first degree), section 140.20, (burglary in the third degree), section
39 150.10, (arson in the third degree), section 160.05, (robbery in the
40 third degree), subdivision two, three or four of section 265.02, (crimi-
41 nal possession of a weapon in the third degree), section 265.03, (crimi-
42 nal possession of a weapon in the second degree), or section 265.04,
43 (criminal possession of a dangerous weapon in the first degree) of the
44 penal law where the child has previously had one or more adjustments of
45 a case in which such child allegedly committed an act which would be a
46 crime specified in this subdivision unless it has received written
47 approval from the court and the appropriate presentment agency.

48 § 41. Subdivision (c) of section 1052 of the family court act, as
49 added by chapter 739 of the laws of 1981, is amended to read as follows:

50 (c) Prior to granting an order of disposition pursuant to subdivision
51 (a) of this section following an adjudication of child abuse, as defined
52 in paragraph (i) of subdivision (e) of section ten hundred twelve of
53 this act or a finding of a felony sex offense as defined in sections
54 130.25, 130.30, 130.35, ~~[130.40, 130.45, 130.50,]~~ 130.65 and 130.70 of
55 the penal law, the court shall advise the respondent that any subsequent
56 adjudication of child abuse, as defined in paragraph (i) of subdivision

(e) of section one thousand twelve of this act or any subsequent finding of a felony sex offense as defined in those sections of the penal law herein enumerated, arising out of acts of the respondent may result in the commitment of the guardianship and custody of the child or another child pursuant to section three hundred eighty-four-b of the social services law. The order in such cases shall contain a statement that any subsequent adjudication of child abuse or finding of a felony sex offense as described herein may result in the commitment of the guardianship and custody of the child, or another child pursuant to section three hundred eighty-four-b of the social services law.

§ 42. Subdivision 2 of section 61 of the civil rights law, as amended by section 54 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. If the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, ~~130.40, 130.45,~~ 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, and is currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of such conviction, the petition shall for each such conviction specify such felony conviction, the date of such conviction or convictions, and the court in which such conviction or convictions were entered.

§ 43. Subdivision 2 of section 62 of the civil rights law, as amended by section 55 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. If the petition be to change the name of a person currently confined as an inmate in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of a conviction for a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, ~~130.40, 130.45,~~ 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, notice of the time and place when and where the petition will be presented shall be served, in like manner as a notice of a motion upon an attorney in an action, upon the district attorney of every county in which such person has been convicted of such felony and upon the court or courts in which the sentence for such felony was entered. Unless a shorter period of time is ordered by the court, said notice shall be served upon each such district attorney and court or courts not less than sixty days prior to the date on which such petition is noticed to be heard.

§ 44. The closing paragraph of section 64 of the civil rights law, as separately amended by chapters 258, 320 and 481 of the laws of 2006, is amended to read as follows:

Upon compliance with the order and the filing of the affidavit of the publication, as provided in this section, the clerk of the court in which the order has been entered shall certify that the order has been complied with; and, if the petition states that the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25,

1 130.30, [~~130.40, 130.45,~~] 255.25, 255.26, 255.27, article two hundred
2 sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section
3 230.30 or 230.32, such clerk (1) shall deliver, by first class mail, a
4 copy of such certified order to the division of criminal justice
5 services at its office in the county of Albany and (2) upon the clerk of
6 the court reviewing the petitioner's application for name change and
7 subsequent in-court inquiry, may, in the clerk's discretion, deliver, by
8 first class mail, the petitioner's new name with such certified order to
9 the court of competent jurisdiction which imposed the orders of support.
10 Such certification shall appear on the original order and on any certi-
11 fied copy thereof and shall be entered in the clerk's minutes of the
12 proceeding.

13 § 45. Section 213-c of the civil practice law and rules, as added by
14 chapter 3 of the laws of 2006, is amended to read as follows:

15 § 213-c. Action by victim of conduct constituting certain sexual
16 offenses. Notwithstanding any other limitation set forth in this arti-
17 cle, a civil claim or cause of action to recover from a defendant as
18 hereinafter defined, for physical, psychological or other injury or
19 condition suffered by a person as a result of acts by such defendant of
20 rape in the first degree as defined in section 130.35 of the penal law,
21 ~~[or criminal sexual act in the first degree as defined in section 130.50~~
22 ~~of the penal law,]~~ or aggravated sexual abuse in the first degree as
23 defined in section 130.70 of the penal law, or course of sexual conduct
24 against a child in the first degree as defined in section 130.75 of the
25 penal law may be brought within five years. As used in this section, the
26 term "defendant" shall mean only a person who commits the acts described
27 in this section or who, in a criminal proceeding, could be charged with
28 criminal liability for the commission of such acts pursuant to section
29 20.00 of the penal law and shall not apply to any related civil claim or
30 cause of action arising from such acts. Nothing in this section shall be
31 construed to require that a criminal charge be brought or a criminal
32 conviction be obtained as a condition of bringing a civil cause of
33 action or receiving a civil judgment pursuant to this section or be
34 construed to require that any of the rules governing a criminal proceed-
35 ing be applicable to any such civil action.

36 § 46. Paragraph (b) of subdivision 8 of section 215 of the civil prac-
37 tice law and rules, as added by chapter 3 of the laws of 2006, is
38 amended to read as follows:

39 (b) Whenever it is shown that a criminal action against the same
40 defendant has been commenced with respect to the event or occurrence
41 from which a claim governed by this section arises, and such criminal
42 action is for rape in the first degree as defined in section 130.35 of
43 the penal law, ~~[or criminal sexual act in the first degree as defined in~~
44 ~~section 130.50 of the penal law,]~~ or aggravated sexual abuse in the
45 first degree as defined in section 130.70 of the penal law, or course of
46 sexual conduct against a child in the first degree as defined in section
47 130.75 of the penal law, the plaintiff shall have at least five years
48 from the termination of the criminal action as defined in section 1.20
49 of the criminal procedure law in which to commence the civil action,
50 notwithstanding that the time in which to commence such action has
51 already expired or has less than a year remaining.

52 § 47. Subdivision 11 of section 123 of the agriculture and markets
53 law, as amended by chapter 392 of the laws of 2004, and such section as
54 renumbered by section 18 of part T of chapter 59 of the laws of 2010, is
55 amended to read as follows:

11. The owner shall not be liable pursuant to subdivision six, seven, eight, nine or ten of this section if the dog was coming to the aid or defense of a person during the commission or attempted commission of a murder, robbery, burglary, arson, rape in the first degree as defined in paragraph (a) or (b) of subdivision one ~~[or], paragraph (a) or (b) of subdivision two or paragraph (a) or (b) of subdivision three~~ of section 130.35 of the penal law~~[, criminal sexual act in the first degree as defined in subdivision one or two of section 130.50 of the penal law]~~ or kidnapping within the dwelling or upon the real property of the owner of the dog and the dog injured or killed the person committing such criminal activity.

§ 48. Section 4 of the judiciary law, as amended by chapter 1 of the laws of 2019, is amended to read as follows:

§ 4. Sittings of courts to be public. The sittings of every court within this state shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, seduction, rape, assault with intent to commit rape, ~~[criminal sexual act,]~~ bastardy or filiation, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

§ 49. Subdivision 2 of section 120.60 of the penal law, as amended by chapter 434 of the laws of 2000, is amended to read as follows:

2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, ~~[130.40]~~ or 130.85 of this chapter, or a class D felony defined in section 130.30 ~~[or 130.45]~~ of this chapter.

§ 50. Subdivision 1 of section 210.16 of the criminal procedure law, as added by chapter 571 of the laws of 2007, is amended to read as follows:

1. (a) In a case where an indictment or a superior court information has been filed with a superior court which charges the defendant with a felony offense enumerated in any section of article one hundred thirty of the penal law where an act of "~~sexual intercourse~~ vaginal sexual contact", "oral sexual ~~[conduct]~~ contact" or "anal sexual ~~[conduct]~~ contact", as those terms are defined in section 130.00 of the penal law, is required as an essential element for the commission thereof, the court shall, upon a request of the victim within six months of the date of the crimes charged, order that the defendant submit to human immunodeficiency virus (HIV) related testing. Testing of a defendant shall be ordered when the result would provide medical benefit to the victim or a psychological benefit to the victim. Medical benefit shall be found when the following elements are satisfied: (i) a decision is pending about beginning, continuing, or discontinuing a medical intervention for the victim; and (ii) the result of an HIV test of the accused could affect that decision, and could provide relevant information beyond that which would be provided by an HIV test of the victim. If testing the defendant would provide medical benefit to the victim or a psychological benefit to the victim, then the testing is to be conducted by a state, county, or local public health officer designated by the order. Test results, which shall not be disclosed to the court, shall be communicated to the defendant and the victim named in the order in accordance with the provisions of section twenty-seven hundred eighty-five-a of the public health law.

(b) For the purposes of this section, the terms "victim" and "applicant" mean the person with whom the defendant is charged to have engaged in an act of "~~sexual intercourse~~ vaginal sexual contact", "oral sexual

1 [~~conduct~~] contact" or "anal sexual [~~conduct~~] contact", as those terms
2 are defined in section 130.00 of the penal law, where such conduct with
3 such victim was the basis for charging the defendant with an offense
4 specified in paragraph (a) of this subdivision.

5 § 51. Subdivision 1 of section 390.15 of the criminal procedure law,
6 as amended by chapter 264 of the laws of 2003, is amended to read as
7 follows:

8 1. (a) In any case where the defendant is convicted of a felony
9 offense enumerated in any section of article one hundred thirty of the
10 penal law, or any subdivision of section 130.20 of such law, where an
11 act of "[~~sexual intercourse~~] vaginal sexual contact", "oral sexual
12 [~~conduct~~] contact" or "anal sexual [~~conduct~~] contact", as those terms
13 are defined in section 130.00 of the penal law, is required as an essen-
14 tial element for the commission thereof, the court must, upon a request
15 of the victim, order that the defendant submit to human immunodeficiency
16 (HIV) related testing. The testing is to be conducted by a state, coun-
17 ty, or local public health officer designated by the order. Test
18 results, which shall not be disclosed to the court, shall be communi-
19 cated to the defendant and the victim named in the order in accordance
20 with the provisions of section twenty-seven hundred eighty-five-a of the
21 public health law, but such results and disclosure need not be completed
22 prior to the imposition of sentence.

23 (b) For the purposes of this section, the terms "defendant",
24 "conviction" and "sentence" mean and include, respectively, an "eligible
25 youth," a "youthful offender finding" and a "youthful offender sentence"
26 as those terms are defined in section 720.10 of this chapter. The term
27 "victim" means the person with whom the defendant engaged in an act of
28 "[~~sexual intercourse~~] vaginal sexual contact", "oral sexual [~~conduct~~]
29 contact" or "anal sexual [~~conduct~~] contact", as those terms are defined
30 in section 130.00 of the penal law, where such conduct with such victim
31 was the basis for the defendant's conviction of an offense specified in
32 paragraph (a) of this subdivision.

33 § 52. Subdivision 1 of section 347.1 of the family court act, as
34 amended by chapter 264 of the laws of 2003, is amended to read as
35 follows:

36 1. (a) In any proceeding where the respondent is found pursuant to
37 section 345.1 or 346.1 of this article, to have committed a felony
38 offense enumerated in any section of article one hundred thirty of the
39 penal law, or any subdivision of section 130.20 of such law, for which
40 an act of "[~~sexual intercourse~~] vaginal sexual contact", "oral sexual
41 [~~conduct~~] contact" or "anal sexual [~~conduct~~] contact", as those terms
42 are defined in section 130.00 of the penal law, is required as an essen-
43 tial element for the commission thereof, the court must, upon a request
44 of the victim, order that the respondent submit to human immunodeficien-
45 cy (HIV) related testing. The testing is to be conducted by a state,
46 county, or local public health officer designated by the order. Test
47 results, which shall not be disclosed to the court, shall be communi-
48 cated to the respondent and the victim named in the order in accordance
49 with the provisions of section twenty-seven hundred eighty-five-a of the
50 public health law.

51 (b) For the purposes of this section, the term "victim" means the
52 person with whom the respondent engaged in an act of "[~~sexual inter-~~
53 ~~course~~] vaginal sexual contact", "oral sexual [~~conduct~~] contact" or
54 "anal sexual [~~conduct~~] contact", as those terms are defined in section
55 130.00 of the penal law, where such conduct with such victim was the
56 basis for the court's finding that the respondent committed acts consti-

1 tuting one or more of the offenses specified in paragraph (a) of this
2 subdivision.

3 § 53. Subdivision (a) of section 130.16 of the penal law, as amended
4 by chapter 264 of the laws of 2003, is amended to read as follows:

5 (a) Establish that an attempt was made to engage the victim in [~~sexual~~
6 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal
7 sexual [~~conduct~~] contact, or sexual contact, as the case may be, at the
8 time of the occurrence; and

9 § 54. Subdivisions 1 and 2 of section 130.20 of the penal law, subdivi-
10 sion 1 as amended by chapter 1 of the laws of 2000, subdivision 2 as
11 amended by chapter 264 of the laws of 2003, are amended to read as
12 follows:

13 1. He or she engages in [~~sexual intercourse~~] vaginal sexual contact
14 with another person without such person's consent; or

15 2. He or she engages in oral sexual [~~conduct~~] contact or anal sexual
16 [~~conduct~~] contact with another person without such person's consent; or

17 § 55. Paragraphs (a) and (b) of subdivision 1 of section 130.75 of the
18 penal law, as amended by chapter 264 of the laws of 2003, are amended to
19 read as follows:

20 (a) he or she engages in two or more acts of sexual conduct, which
21 includes at least one act of [~~sexual intercourse~~] vaginal sexual
22 contact, oral sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact or
23 aggravated sexual contact, with a child less than eleven years old; or

24 (b) he or she, being eighteen years old or more, engages in two or
25 more acts of sexual conduct, which include at least one act of [~~sexual~~
26 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal
27 sexual [~~conduct~~] contact or aggravated sexual contact, with a child less
28 than thirteen years old.

29 § 56. Subdivision 1 of section 235.00 of the penal law, as amended by
30 chapter 264 of the laws of 2003, is amended to read as follows:

31 1. "Obscene." Any material or performance is "obscene" if (a) the
32 average person, applying contemporary community standards, would find
33 that considered as a whole, its predominant appeal is to the prurient
34 interest in sex, and (b) it depicts or describes in a patently offensive
35 manner, actual or simulated: [~~sexual intercourse~~] vaginal sexual
36 contact, [~~criminal sexual act~~] oral sexual contact, anal sexual contact,
37 sexual bestiality, masturbation, sadism, masochism, excretion or lewd
38 exhibition of the genitals, and (c) considered as a whole, it lacks
39 serious literary, artistic, political, and scientific value. Predominant
40 appeal shall be judged with reference to ordinary adults unless it
41 appears from the character of the material or the circumstances of its
42 dissemination to be designed for children or other [~~specially~~] especial-
43 ly susceptible audience.

44 § 57. Subdivision 2 of section 235.22 of the penal law, as amended by
45 chapter 264 of the laws of 2003, is amended to read as follows:

46 2. by means of such communication he importunes, invites or induces a
47 minor to engage in [~~sexual intercourse~~] vaginal sexual contact, oral
48 sexual [~~conduct~~] contact or anal sexual [~~conduct~~] contact, or sexual
49 contact with him, or to engage in a sexual performance, obscene sexual
50 performance, or sexual conduct for his benefit.

51 § 58. Section 255.25 of the penal law, as amended by chapter 320 of
52 the laws of 2006, is amended to read as follows:

53 § 255.25 Incest in the third degree.

54 A person is guilty of incest in the third degree when he or she
55 marries or engages in [~~sexual intercourse~~] vaginal sexual contact, oral
56 sexual [~~conduct~~] contact or anal sexual [~~conduct~~] contact with a person

1 whom he or she knows to be related to him or her, whether through
2 marriage or not, as an ancestor, descendant, brother or sister of either
3 the whole or the half blood, uncle, aunt, nephew or niece.

4 Incest in the third degree is a class E felony.

5 § 59. Subdivision 3 of section 263.00 of the penal law, as amended by
6 chapter 264 of the laws of 2003, is amended to read as follows:

7 3. "Sexual conduct" means actual or simulated [~~sexual-intercourse~~]
8 vaginal sexual contact, oral sexual [~~conduct~~] contact, anal sexual
9 [~~conduct~~] contact, sexual bestiality, masturbation, sado-masochistic
10 abuse, or lewd exhibition of the genitals.

11 § 60. Subdivision 3 of section 60.42 of the criminal procedure law, as
12 amended by chapter 264 of the laws of 2003, is amended to read as
13 follows:

14 3. rebuts evidence introduced by the people of the victim's failure to
15 engage in [~~sexual-intercourse~~] vaginal sexual contact, oral sexual
16 [~~conduct~~] contact, anal sexual [~~conduct~~] contact or sexual contact
17 during a given period of time; or

18 § 61. Subdivision 3 of section 344.4 of the family court act, as
19 amended by chapter 264 of the laws of 2003, is amended to read as
20 follows:

21 3. rebuts evidence introduced by the presentment agency of the
22 victim's failure to engage in [~~sexual-intercourse~~] vaginal sexual
23 contact, oral sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact or
24 sexual contact during a given period of time; or

25 § 62. Subdivision 4 of section 170 of the domestic relations law, as
26 amended by chapter 264 of the laws of 2003, is amended to read as
27 follows:

28 (4) The commission of an act of adultery, provided that adultery for
29 the purposes of articles ten, eleven, and eleven-A of this chapter, is
30 hereby defined as the commission of an act of [~~sexual-intercourse~~] vagi-
31 nal sexual contact, oral sexual [~~conduct~~] contact or anal sexual
32 [~~conduct~~] contact, voluntarily performed by the defendant, with a person
33 other than the plaintiff after the marriage of plaintiff and defendant.
34 Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~] contact include,
35 but are not limited to, sexual conduct as defined in subdivision two of
36 section 130.00 and subdivision three of section 130.20 of the penal law.

37 § 63. Subdivision 4 of section 200 of the domestic relations law, as
38 amended by chapter 264 of the laws of 2003, is amended to read as
39 follows:

40 4. The commission of an act of adultery by the defendant; except where
41 such offense is committed by the procurement or with the connivance of
42 the plaintiff or where there is voluntary cohabitation of the parties
43 with the knowledge of the offense or where action was not commenced
44 within five years after the discovery by the plaintiff of the offense
45 charged or where the plaintiff has also been guilty of adultery under
46 such circumstances that the defendant would have been entitled, if inno-
47 cent, to a divorce, provided that adultery for the purposes of this
48 subdivision is hereby defined as the commission of an act of [~~sexual~~
49 intercourse] vaginal sexual contact, oral sexual [~~conduct~~] contact or
50 anal sexual [~~conduct~~] contact, voluntarily performed by the defendant,
51 with a person other than the plaintiff after the marriage of plaintiff
52 and defendant. Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~]
53 contact include, but are not limited to, sexual conduct as defined in
54 subdivision two of section 130.00 and subdivision three of section
55 130.20 of the penal law.

1 § 64. This act shall take effect January 1, 2021 and shall apply to
2 any offense on or after such effective date. As it pertains to the
3 repealed sections of law, nothing in this act shall affect a requirement
4 to register pursuant to article 6-C of the correction law; a lawfully
5 required disclosure of a conviction; any restriction or prohibition for
6 certain types of employment, housing, or government benefit; or any
7 other ongoing matter related to a conviction of the sections repealed in
8 this act.