

# STATE OF NEW YORK

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7079--B

2021-2022 Regular Sessions

## IN ASSEMBLY

April 21, 2021

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Introduced by M. of A. BURDICK, THIELE, DICKENS, GUNTHER, FERNANDEZ, OTIS, CLARK, JACKSON, GONZALEZ-ROJAS, KELLES, EPSTEIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to sexual conduct against a child in the second degree

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

1 Section 1. Section 130.80 of the penal law, as amended by chapter 1 of  
2 the laws of 2000, is amended to read as follows:

3 § 130.80 Course of sexual conduct against a child in the second degree.

4 1. A person is guilty of course of sexual conduct against a child in  
5 the second degree when, over a period of time not less than three months  
6 in duration:

7 (a) he or she engages in two or more acts of sexual conduct, which  
8 includes at least one act of sexual intercourse, oral sexual conduct,  
9 anal sexual conduct, inserting a finger in the vagina, urethra, penis,  
10 rectum or anus or aggravated sexual contact, with a child less than  
11 eleven years old; or

12 (b) he or she, being eighteen years old or more, engages in two or  
13 more acts of sexual conduct, which includes at least one act of sexual  
14 intercourse, oral sexual conduct, anal sexual conduct, inserting a  
15 finger in the vagina, urethra, penis, rectum or anus or aggravated sexu-  
16 al contact, with a child less than thirteen years old.

17 2. A person may not be subsequently prosecuted for any other sexual  
18 offense involving the same victim unless the other charged offense  
19 occurred outside the time period charged under this section.

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

LBD10674-06-2

1 Course of sexual conduct against a child in the second degree is a  
2 class D felony.  
3 § 2. This act shall take effect on the thirtieth day after it shall  
4 have become a law.