

STATE OF NEW YORK

490

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. FERNANDEZ, ADDABBO, BORRELLO, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to including instances of sexual conduct against a child less than seventeen years of age to certain sex offenses

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

1 Section 1. Subdivisions 1 and 2 of section 130.75 of the penal law, as
2 amended by chapter 1 of the laws of 2000, paragraphs (a) and (b) of
3 subdivision 1 as amended by chapter 777 of the laws of 2023, are amended
4 to read as follows:
5 [~~1-~~] A person is guilty of course of sexual conduct against a child in
6 the first degree when, over a period of time not less than three months
7 in duration:
8 [~~(a) he or she~~] 1. such person engages in two or more acts of sexual
9 conduct, which includes at least one act of vaginal sexual contact, oral
10 sexual contact, anal sexual contact or aggravated sexual contact, with a
11 child less than eleven years old; and includes at least one additional
12 act of sexual contact with the child when that child is less than seven-
13 teen years old; or
14 [~~(b) he or she~~] 2. such person, being eighteen years old or more, at
15 the commencement of the course of sexual contact, engages in two or more
16 acts of sexual conduct, which include at least one act of vaginal sexual
17 contact, oral sexual contact, anal sexual contact or aggravated sexual
18 contact, with a child less than thirteen years old; and includes at
19 least one additional act of sexual contact with the child when that
20 child is less than seventeen years old.

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

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

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

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

10 ~~[(a) he or she]~~ 1. such person engages in two or more acts of sexual
11 conduct with a child, which includes at least one act of sexual conduct
12 with the child when the child is less than eleven years old; and
13 includes at least one additional act of sexual conduct with such child
14 when the child is less than seventeen years old; or

15 ~~[(b) he or she]~~ 2. such person, being eighteen years old or more, at
16 the commencement of the course of sexual conduct, engages in two or more
17 acts of sexual conduct with a child, which includes at least one act of
18 sexual conduct with the child when the child is less than thirteen years
19 old; and includes at least one additional act of sexual conduct with
20 such child when the child is less than seventeen years old.

21 ~~[2. A person may not be subsequently prosecuted for any other sexual~~
22 ~~offense involving the same victim unless the other charged offense~~
23 ~~occurred outside the time period charged under this section.]~~

24 § 3. Section 130.96 of the penal law, as added by chapter 107 of the
25 laws of 2006, the opening paragraph as amended by chapter 23 of the laws
26 of 2024, is amended to read as follows:

27 § 130.96 Predatory sexual assault against a child.

28 A person is guilty of predatory sexual assault against a child when,
29 being eighteen years old or more, ~~[he or she]~~ such person commits:

30 1. the crime of rape in the first degree, a crime formerly defined in
31 section 130.50 of this title, or the crime of aggravated sexual abuse in
32 the first degree, ~~[or course of sexual conduct against a child in the~~
33 ~~first degree,~~] as defined in this article, and the victim is less than
34 thirteen years old~~[-]~~; or

35 2. the crime of a course of sexual conduct against a child in the
36 first degree, as defined in this article, and the person was eighteen
37 years old or more and the victim was less than thirteen years old when
38 the conduct commenced.

39 Predatory sexual assault against a child is a class A-II felony.

40 § 4. This act shall take effect immediately.