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

3077

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. KOON, CYMBROWITZ, ROBINSON, HEVESI, GALEF, LAVINE, EDDINGTON, SCHROEDER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CLARK, DelMONTE, MAGEE, MAYERSOHN, PHEFFER, REILLY, N. RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to eliminating the statute of limitations for the prosecution of violent felonies involving a sexual offense

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

Section 1. Paragraph (a) of subdivision 2 of section 30.10 of the criminal procedure law, as amended by chapter 467 of the laws of 2008, is amended to read as follows:

(a) A prosecution for a class A felony, or [rape in the first degree as defined in section 130.35 of the penal law, or a crime defined or formerly defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law] A VIOLENT FELONY INVOLVING A SEXUAL OFFENSE AS DEFINED IN SECTION 130.35, 130.50, 130.65, 130.65-A, 130.66, 130.67, 130.70, 130.75 OR 130.80 OF THE PENAL LAW may be commenced at any time;

S 2. Paragraphs (e) and (f) of subdivision 3 of section 30.10 of the criminal procedure law, paragraph (e) as amended by chapter 3 of the laws of 2006 and paragraph (f) as separately amended by chapters 3 and 320 of the laws of 2006, are amended to read as follows:

(e) [A prosecution for course of sexual conduct against a child in the second degree as defined in section 130.80 of the penal law may be commenced within five years of the commission of the most recent act of sexual conduct.

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

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(f)] For purposes of a prosecution involving a sexual offense as defined in article one hundred thirty of the penal law, other than a sexual offense delineated in paragraph (a) of subdivision two of this section, committed against a child less than eighteen years of age, incest in the first, second or third degree as defined in sections 255.27, 255.26 and 255.25 of the penal law committed against a child less than eighteen years of age, or use of a child in a sexual performance as defined in section 263.05 of the penal law, the [period] APPLICABLE STATUTE of [limitation] LIMITATIONS, IF ANY, shall not begin to run until the child has reached the age of eighteen or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.