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

6560

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. SCOZZAFAVA, TEDISCO, SPANO, McDONOUGH, TOWNSEND -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BALL, BARCLAY, BARRA, BOYLE, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, FITZPATRICK, GIGLIO, HAWLEY, HAYES, KOLB, P. LOPEZ, McKEVITT, MILLER, MOLINARO, OAKS, O'MARA, QUINN, RABBITT, RAIA, REILICH, SALADINO, SAYWARD, THIELE, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the period of limitation for the prosecution of sex offenses committed against children; and to repeal paragraphs (e) and (f) of subdivision 3 of section 30.10 of such law relating to timeliness of the prosecution of course of sexual conduct offenses

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

Section 1. Paragraphs (e) and (f) of subdivision 3 of section 30.10 of the criminal procedure law are REPEALED, paragraph (g) is relettered paragraph (f) and a new paragraph (e) is added to read as follows:

(E) A PROSECUTION FOR A SEX OFFENSE 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, MAY BE COMMENCED WITHIN FIFTEEN YEARS AFTER SUCH CHILD HAS REACHED THE AGE OF EIGHTEEN.

S 2. This act shall take effect immediately and shall apply to offenses committed on and after such date as well as to offenses committed prior thereto, provided that this act shall not apply to offenses committed prior to such date on which the prosecution thereof was barred under the provisions of section 30.10 of the criminal procedure law in effect immediately prior to such date.

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

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