

1477

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. SKELOS, DeFRANCISCO, FARLEY, FUSCHILLO, GOLDEN, HANNON, LEIBELL, LITTLE, MAZIARZ, MORAHAN, SALAND, SEWARD, VOLKER -- 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 failure to report a sexual assault of a child

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

1 Section 1. The penal law is amended by adding two new sections 260.35
2 and 260.40 to read as follows:
3 S 260.35 SEXUAL ASSAULT; DEFINED.
4 FOR THE PURPOSES OF SECTION 260.40 OF THIS ARTICLE, "SEXUAL ASSAULT"
5 MEANS THE COMMISSION OF:
6 1. A SEX OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THIS CHAP-
7 TER;
8 2. A SEXUAL PERFORMANCE BY A CHILD DEFINED IN ARTICLE TWO HUNDRED
9 SIXTY-THREE OF THIS CHAPTER; OR
10 3. INCEST AS DEFINED IN SECTION 255.25 OF THIS CHAPTER.
11 S 260.40 FAILURE TO REPORT A SEXUAL ASSAULT OF A CHILD.
12 A PERSON IS GUILTY OF FAILURE TO REPORT A SEXUAL ASSAULT OF A CHILD
13 WHEN HE OR SHE, BEING EIGHTEEN YEARS OLD OR OLDER, KNOWINGLY WITNESSES
14 THE COMMISSION OF A SEXUAL ASSAULT OF A CHILD LESS THAN SIXTEEN YEARS
15 OLD, AND FAILS TO REPORT SUCH ASSAULT WITHIN TWENTY-FOUR HOURS OF THE
16 WITNESSED COMMISSION THEREOF TO A POLICE OFFICER, DISTRICT ATTORNEY OR
17 LAW ENFORCEMENT OFFICIAL WITHIN THE COUNTY OR CITY IN WHICH SUCH ASSAULT
18 WAS COMMITTED.
19 FAILURE TO REPORT A SEXUAL ASSAULT OF A CHILD IS A CLASS B MISDEMEA-
20 NOR.
21 S 2. This act shall take effect on the first of November next succeed-
22 ing the date on which it shall have become a law.

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

LBD03386-01-9