

1626

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI, ALESSI, BENEDETTO, BROOK-KRASNY, CARROZZA, CLARK, COLTON, COOK, DESTITO, ESPAILLAT, FIELDS, GABRYSZAK, GALEF, GUNTHER, GREENE, JAFFEE, JOHN, KOON, LANCMAN, LATIMER, LUPARDO, MAISEL, MAYERSON, O'DONNELL, PERALTA, PHEFFER, SCARBOROUGH, SCHIMMINGER, SCHROEDER -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BOYLAND, CAMARA, DeMONTE, EDDINGTON, HIKIND, HOOPER, HYER-SPENCER, MAGNARELLI, PRETLOW, REILLY, ROBINSON, SEMINERIO, SWEENEY, TITONE, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of attempting to lure or entice 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 a new section 135.17 to
2 read as follows:
3 S 135.17 ATTEMPTING TO LURE OR ENTICE A CHILD.
4 1. A PERSON IS GUILTY OF ATTEMPTING TO LURE OR ENTICE A CHILD WHEN:
5 (A) HE OR SHE ATTEMPTS TO LURE OR ENTICE A CHILD INTO A MOTOR VEHICLE,
6 AIRCRAFT, WATERCRAFT, BUILDING OR ISOLATED AREA FOR THE PURPOSE OF
7 COMMITTING A CRIMINAL OFFENSE AGAINST SUCH CHILD; OR
8 (B) BEING EIGHTEEN YEARS OLD OR MORE AND WITH INTENT TO LURE, ENTICE,
9 PERSUADE, CONVINCE, HARASS, ANNOY, THREATEN OR ALARM ANOTHER PERSON, HE
10 OR SHE, BY MEANS OF A COMPUTER COMMUNICATIONS SYSTEM, COMMUNICATES OR
11 CAUSES A COMMUNICATION TO BE INITIATED PURPORTING TO SOLICIT:
12 (1) SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT OR
13 SEXUAL CONTACT WITH A PERSON WHOM HE OR SHE KNOWS OR REASONABLY SHOULD
14 KNOW IS LESS THAN SEVENTEEN YEARS OLD; OR
15 (2) A SEXUAL PERFORMANCE BY A PERSON WHOM HE OR SHE KNOWS OR REASON-
16 ABLY SHOULD KNOW IS LESS THAN SEVENTEEN YEARS OLD; OR
17 (3) ANY IN-PERSON CONTACT THAT RESULTS IN THE COMMISSION OR ATTEMPTED
18 COMMISSION OF A CRIMINAL OFFENSE AGAINST A CHILD.

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

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2. FOR PURPOSES OF THIS SECTION:

(A) "CHILD" MEANS A PERSON LESS THAN SEVENTEEN YEARS OF AGE.

(B) "BUILDING" IN ADDITION TO ITS ORDINARY MEANING, INCLUDES ANY STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT USED FOR OVERNIGHT LODGING OF PERSONS, OR USED BY PERSONS FOR CARRYING ON BUSINESS THEREIN, OR AN ENCLOSED MOTOR TRUCK, OR AN ENCLOSED MOTOR TRUCK TRAILER.

(C) "COMPUTER" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SECTION 156.00 OF THIS CHAPTER.

(D) "ORAL SEXUAL CONDUCT" OR "ANAL SEXUAL CONDUCT" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SECTION 130.00 OF THIS CHAPTER.

(E) "SEXUAL CONTACT" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SECTION 130.00 OF THIS CHAPTER.

(F) "SEXUAL INTERCOURSE" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SECTION 130.00 OF THIS CHAPTER.

(G) "SEXUAL PERFORMANCE" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SECTION 263.00 OF THIS CHAPTER.

3. NOTHING IN THIS SECTION SHALL BE DEEMED TO PRECLUDE, IF THE EVIDENCE SO WARRANTS, AN INDICTMENT AND CONVICTION FOR ATTEMPTED KIDNAPING UNDER THE PROVISIONS OF SECTIONS 110.00 AND 135.00 OF THIS CHAPTER. ATTEMPTING TO LURE OR ENTICE A CHILD IS A CLASS D FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.