

6657

2011-2012 Regular Sessions

I N A S S E M B L Y

March 24, 2011

Introduced by M. of A. CUSICK -- read once and referred to the Committee
on Codes

AN ACT to amend the penal law and the criminal procedure law, in
relation to promoting sexual performances by a child

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

1 Section 1. The closing paragraph of section 263.10 of the penal law,
2 as amended by chapter 1 of the laws of 2000, is amended to read as
3 follows:
4 Promoting an obscene sexual performance by a child is a class [D] B
5 felony.
6 S 2. The closing paragraph of section 263.15 of the penal law, as
7 amended by chapter 1 of the laws of 2000, is amended to read as follows:
8 Promoting a sexual performance by a child is a class [D] B felony.
9 S 3. Subdivision 5 of section 220.10 of the criminal procedure law is
10 amended by adding a new paragraph (i) to read as follows:
11 (I) WHERE THE INDICTMENT CHARGES THE CLASS B FELONY OFFENSE OF PROMOT-
12 ING AN OBSCENE SEXUAL PERFORMANCE BY A CHILD AS DEFINED IN SECTION
13 263.10 OF THE PENAL LAW OR PROMOTING A SEXUAL PERFORMANCE BY A CHILD AS
14 DEFINED IN SECTION 263.15 OF THE PENAL LAW, THEN A PLEA OF GUILTY MUST
15 INCLUDE AT LEAST A PLEA TO SUCH OFFENSE.
16 S 4. This act shall take effect on the first of November next succeed-
17 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.

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