

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

5170--A

Cal. No. 564

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to including certain offenses involving computers in the definition of specified offenses which can form the basis of a sexually motivated felony

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

1 Section 1. Subdivision 2 of section 130.91 of the penal law, as
2 amended by chapter 405 of the laws of 2010, is amended to read as
3 follows:
4 2. A "specified offense" is a felony offense defined by any of the
5 following provisions of this chapter: assault in the second degree as
6 defined in section 120.05, assault in the first degree as defined in
7 section 120.10, gang assault in the second degree as defined in section
8 120.06, gang assault in the first degree as defined in section 120.07,
9 stalking in the first degree as defined in section 120.60, strangulation
10 in the second degree as defined in section 121.12, strangulation in the
11 first degree as defined in section 121.13, manslaughter in the second
12 degree as defined in subdivision one of section 125.15, manslaughter in
13 the first degree as defined in section 125.20, murder in the second
14 degree as defined in section 125.25, aggravated murder as defined in
15 section 125.26, murder in the first degree as defined in section 125.27,
16 kidnapping in the second degree as defined in section 135.20, kidnapping
17 in the first degree as defined in section 135.25, burglary in the third
18 degree as defined in section 140.20, burglary in the second degree as
19 defined in section 140.25, burglary in the first degree as defined in
20 section 140.30, arson in the second degree as defined in section 150.15,
21 arson in the first degree as defined in section 150.20, COMPUTER TAMPER-

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

LBD11202-02-1

1 ING IN THE SECOND DEGREE AS DEFINED IN SECTION 156.26, COMPUTER TAMPER-
2 ING IN THE FIRST DEGREE AS DEFINED IN SECTION 156.27, robbery in the
3 third degree as defined in section 160.05, robbery in the second degree
4 as defined in section 160.10, robbery in the first degree as defined in
5 section 160.15, promoting prostitution in the second degree as defined
6 in section 230.30, promoting prostitution in the first degree as defined
7 in section 230.32, compelling prostitution as defined in section 230.33,
8 disseminating indecent material to minors in the first degree as defined
9 in section 235.22, use of a child in a sexual performance as defined in
10 section 263.05, promoting an obscene sexual performance by a child as
11 defined in section 263.10, promoting a sexual performance by a child as
12 defined in section 263.15, or any felony attempt or conspiracy to commit
13 any of the foregoing offenses.

14 S 2. This act shall take effect on the first of November next succeed-
15 ing the date on which it shall have become a law.