

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.

LBD10274-02-1