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

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I N A S S E M B L Y

February 3, 2012

Introduced by M. of A. HIKIND, CASTRO -- Multi-Sponsored by -- M. of A. BURLING, CERETTO, COOK, CROUCH, GRAF, GUNTHER, HOOPER, JACOBS, McDONOUGH, McLAUGHLIN, J. MILLER, MURRAY, P. RIVERA, SALADINO, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to tolling the statute of limitations for prosecutions against a defendant charged with a sexual offense when the defendant is outside this state or where the whereabouts of the defendant are unknown

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

Section. Paragraph (a) of subdivision 4 of section 30.10 of the criminal procedure law is amended to read as follows:

(a) Any period following the commission of the offense during which (i) the defendant was continuously outside this state or (ii) the whereabouts of the defendant were continuously unknown and continuously unascertainable by the exercise of reasonable diligence. However, [in no event shall] EXCEPT IN THE CASE OF A PROSECUTION INVOLVING A SEXUAL OFFENSE AS DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW, INCEST AS DEFINED IN SECTION 255.25, 255.26 OR 255.27 OF THE PENAL LAW, OR THE USE OF A CHILD IN A SEXUAL PERFORMANCE AS DEFINED IN SECTION 263.05 OF THE PENAL LAW, the period of limitation SHALL NOT be extended by more than five years beyond the period otherwise applicable under subdivision two OF THIS SECTION.

S 2. This act shall take effect on the first of November next succeeding 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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