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I N   A S S E M B L Y

April 2, 2012

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Introduced by M. of A. SIMOTAS, COLTON, AUBRY, SAYWARD, SCARBOROUGH, MARKEY, P. RIVERA, MENG, ENGLEBRIGHT, BRAUNSTEIN, DenDEKKER, LANCMAN, BRINDISI, LINARES, MORELLE, JAFFEE, MILLMAN, ZEBROWSKI, GUNTHER, LAVINE, MOYA, TITONE, PERRY, CLARK, COOK, ROBERTS, HOOPER, BOYLAND -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, BURLING, CORWIN, DUPREY, FINCH, GALEF, GLICK, GOODELL, HIKIND, LOSQUADRO, MALLIOTAKIS, McDONOUGH, McENENY, McKEVITT, J. MILLER, MONTESANO, MURRAY, RA, ROBINSON, SCHIMEL, SWEENEY, TOBACCO, WALTER -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the criminal procedure law, the correction law, the executive law, the social services law, the vehicle and traffic law, the family court act, the civil rights law, the civil practice law and rules and the agriculture and markets law, in relation to sex offenses; and to repeal certain provisions of the penal law relating thereto

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

1     Section 1. Sections 130.40, 130.45, 130.50, 130.65-A, 130.66, 130.67  
2     and 130.70 of the penal law are REPEALED.  
3     S 2. Paragraph 2 of subdivision 18 of section 10.00 of the penal law,  
4     as amended by chapter 7 of the laws of 2007, is amended to read as  
5     follows:  
6     (2) a person fourteen or fifteen years old who is criminally responsi-  
7     ble for acts constituting the crimes defined in subdivisions one and two  
8     of section 125.25 (murder in the second degree) and in subdivision three  
9     of such section provided that the underlying crime for the murder charge  
10    is one for which such person is criminally responsible; section 135.25  
11    (kidnapping in the first degree); 150.20 (arson in the first degree);  
12    subdivisions one and two of section 120.10 (assault in the first  
13    degree); 125.20 (manslaughter in the first degree); [subdivisions one  
14    and] PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE AND SUBDIVISION two of  
15    section 130.35 (rape in the first degree); subdivisions one and two of  
16    section 130.50 (criminal sexual act in the first degree); 130.70 (aggra-

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

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1 vated sexual abuse in the first degree); 140.30 (burglary in the first  
2 degree); subdivision one of section 140.25 (burglary in the second  
3 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
4 first degree); subdivision two of section 160.10 (robbery in the second  
5 degree) of this chapter; or section 265.03 of this chapter, where such  
6 machine gun or such firearm is possessed on school grounds, as that  
7 phrase is defined in subdivision fourteen of section 220.00 of this  
8 chapter; or defined in this chapter as an attempt to commit murder in  
9 the second degree or kidnapping in the first degree, or such conduct as  
10 a sexually motivated felony, where authorized pursuant to section 130.91  
11 of [the penal law] THIS CHAPTER.

12 S 3. Subdivision 2 of section 30.00 of the penal law, as amended by  
13 chapter 7 of the laws of 2007, is amended to read as follows:

14 2. A person thirteen, fourteen or fifteen years of age is criminally  
15 responsible for acts constituting murder in the second degree as defined  
16 in subdivisions one and two of section 125.25 and in subdivision three  
17 of such section provided that the underlying crime for the murder charge  
18 is one for which such person is criminally responsible or for such  
19 conduct as a sexually motivated felony, where authorized pursuant to  
20 section 130.91 [of the penal law]; and a person fourteen or fifteen  
21 years of age is criminally responsible for acts constituting the crimes  
22 defined in section 135.25 (kidnapping in the first degree); 150.20  
23 (arson in the first degree); subdivisions one and two of section 120.10  
24 (assault in the first degree); 125.20 (manslaughter in the first  
25 degree); [subdivisions one and] PARAGRAPHS (A) AND (B) OF SUBDIVISION  
26 ONE AND SUBDIVISION two of section 130.35 (rape in the first degree);  
27 [subdivisions one and two of section 130.50 (criminal sexual act in the  
28 first degree);] 130.70 (aggravated sexual abuse in the first degree);  
29 140.30 (burglary in the first degree); subdivision one of section 140.25  
30 (burglary in the second degree); 150.15 (arson in the second degree);  
31 160.15 (robbery in the first degree); subdivision two of section 160.10  
32 (robbery in the second degree) of this chapter; or section 265.03 of  
33 this chapter, where such machine gun or such firearm is possessed on  
34 school grounds, as that phrase is defined in subdivision fourteen of  
35 section 220.00 of this chapter; or defined in this chapter as an attempt  
36 to commit murder in the second degree or kidnapping in the first degree,  
37 or for such conduct as a sexually motivated felony, where authorized  
38 pursuant to section 130.91 of [the penal law] OF THIS CHAPTER.

39 S 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section  
40 70.02 of the penal law, paragraph (a) as amended by chapter 320 of the  
41 laws of 2006, paragraph (b) as amended by chapter 148 of the laws of  
42 2011, paragraph (c) as amended by chapter 405 of the laws of 2010, and  
43 paragraph (d) as amended by chapter 7 of the laws of 2007, are amended  
44 to read as follows:

45 (a) Class B violent felony offenses: an attempt to commit the class  
46 A-I felonies of murder in the second degree as defined in section  
47 125.25, kidnapping in the first degree as defined in section 135.25, and  
48 arson in the first degree as defined in section 150.20; manslaughter in  
49 the first degree as defined in section 125.20, aggravated manslaughter  
50 in the first degree as defined in section 125.22, rape in the first  
51 degree as defined in section 130.35, [criminal sexual act in the first  
52 degree as defined in section 130.50, aggravated sexual abuse in the  
53 first degree as defined in section 130.70,] course of sexual conduct  
54 against a child in the first degree as defined in section 130.75;  
55 assault in the first degree as defined in section 120.10, kidnapping in  
56 the second degree as defined in section 135.20, burglary in the first

1 degree as defined in section 140.30, arson in the second degree as  
2 defined in section 150.15, robbery in the first degree as defined in  
3 section 160.15, incest in the first degree as defined in section 255.27,  
4 criminal possession of a weapon in the first degree as defined in  
5 section 265.04, criminal use of a firearm in the first degree as defined  
6 in section 265.09, criminal sale of a firearm in the first degree as  
7 defined in section 265.13, aggravated assault upon a police officer or a  
8 peace officer as defined in section 120.11, gang assault in the first  
9 degree as defined in section 120.07, intimidating a victim or witness in  
10 the first degree as defined in section 215.17, hindering prosecution of  
11 terrorism in the first degree as defined in section 490.35, criminal  
12 possession of a chemical weapon or biological weapon in the second  
13 degree as defined in section 490.40, and criminal use of a chemical  
14 weapon or biological weapon in the third degree as defined in section  
15 490.47 AND ANY OFFENSES COMMITTED UNDER A FORMER SECTION OF ARTICLE 130  
16 OF THIS CHAPTER WHICH WOULD CONSTITUTE A VIOLATION OF THE AFORESAID  
17 SECTIONS OF THIS CHAPTER.

18 (b) Class C violent felony offenses: an attempt to commit any of the  
19 class B felonies set forth in paragraph (a) of this subdivision; aggra-  
20 vated criminally negligent homicide as defined in section 125.11, aggra-  
21 vated manslaughter in the second degree as defined in section 125.21,  
22 [aggravated sexual abuse in the second degree as defined in section  
23 130.67] RAPE IN THE SECOND DEGREE AS DEFINED IN SECTION 130.33, assault  
24 on a peace officer, police officer, fireman or emergency medical  
25 services professional as defined in section 120.08, assault on a judge  
26 as defined in section 120.09, gang assault in the second degree as  
27 defined in section 120.06, strangulation in the first degree as defined  
28 in section 121.13, burglary in the second degree as defined in section  
29 140.25, robbery in the second degree as defined in section 160.10, crim-  
30 inal possession of a weapon in the second degree as defined in section  
31 265.03, criminal use of a firearm in the second degree as defined in  
32 section 265.08, criminal sale of a firearm in the second degree as  
33 defined in section 265.12, criminal sale of a firearm with the aid of a  
34 minor as defined in section 265.14, soliciting or providing support for  
35 an act of terrorism in the first degree as defined in section 490.15,  
36 hindering prosecution of terrorism in the second degree as defined in  
37 section 490.30, and criminal possession of a chemical weapon or biolog-  
38 ical weapon in the third degree as defined in section 490.37 AND ANY  
39 OFFENSES COMMITTED UNDER A FORMER SECTION OF ARTICLE 130 OF THIS CHAPTER  
40 WHICH WOULD CONSTITUTE A VIOLATION OF THE AFORESAID SECTIONS OF THIS  
41 CHAPTER.

42 (c) Class D violent felony offenses: an attempt to commit any of the  
43 class C felonies set forth in paragraph (b); reckless assault of a child  
44 as defined in section 120.02, assault in the second degree as defined in  
45 section 120.05, menacing a police officer or peace officer as defined in  
46 section 120.18, stalking in the first degree, as defined in subdivision  
47 one of section 120.60, strangulation in the second degree as defined in  
48 section 121.12, rape in the [second] THIRD degree as defined in section  
49 130.30, [criminal sexual act in the second degree as defined in section  
50 130.45,] sexual abuse in the first degree as defined in section 130.65,  
51 course of sexual conduct against a child in the second degree as defined  
52 in section 130.80, [aggravated sexual abuse in the third degree as  
53 defined in section 130.66,] facilitating a sex offense with a controlled  
54 substance as defined in section 130.90, criminal possession of a weapon  
55 in the third degree as defined in subdivision five, six, seven or eight  
56 of section 265.02, criminal sale of a firearm in the third degree as

1 defined in section 265.11, intimidating a victim or witness in the  
2 second degree as defined in section 215.16, soliciting or providing  
3 support for an act of terrorism in the second degree as defined in  
4 section 490.10, and making a terroristic threat as defined in section  
5 490.20, falsely reporting an incident in the first degree as defined in  
6 section 240.60, placing a false bomb or hazardous substance in the first  
7 degree as defined in section 240.62, placing a false bomb or hazardous  
8 substance in a sports stadium or arena, mass transportation facility or  
9 enclosed shopping mall as defined in section 240.63, [and] OR aggravated  
10 unpermitted use of indoor pyrotechnics in the first degree as defined in  
11 section 405.18 AND ANY OFFENSES COMMITTED UNDER A FORMER SECTION OF  
12 ARTICLE 130 OF THIS CHAPTER WHICH WOULD CONSTITUTE A VIOLATION OF THE  
13 AFORESAID SECTIONS OF THIS CHAPTER.

14 (d) Class E violent felony offenses: an attempt to commit any of the  
15 felonies of criminal possession of a weapon in the third degree as  
16 defined in subdivision five, six, seven or eight of section 265.02 as a  
17 lesser included offense of that section as defined in section 220.20 of  
18 the criminal procedure law, persistent sexual abuse as defined in  
19 section 130.53, [aggravated sexual abuse in the fourth degree as defined  
20 in section 130.65-a,] RAPE IN THE FOURTH DEGREE AS DEFINED IN SUBDIVI-  
21 SIONS FOUR AND FIVE OF SECTION 130.25, falsely reporting an incident in  
22 the second degree as defined in section 240.55 [and], placing a false  
23 bomb or hazardous substance in the second degree as defined in section  
24 240.61 AND ANY OFFENSES COMMITTED UNDER A FORMER SECTION OF ARTICLE 130  
25 OF THIS CHAPTER WHICH WOULD CONSTITUTE A VIOLATION OF THE AFORESAID  
26 SECTIONS OF THIS CHAPTER.

27 S 5. Paragraph b of subdivision 5 of section 120.40 of the penal law,  
28 as amended by chapter 320 of the laws of 2006, is amended to read as  
29 follows:

30 b. a crime defined in section 130.20, 130.25, 130.30, [130.40,  
31 130.45,] 130.55, 130.60, [130.70,] 255.25, 255.26 or 255.27;

32 S 6. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision 3  
33 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as  
34 amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivi-  
35 sion 3 as amended by chapter 264 of the laws of 2003, are amended to  
36 read as follows:

37 (d) Where the offense charged is rape in the [third] FOURTH degree as  
38 defined in subdivision three of section 130.25, [or criminal sexual act  
39 in the third degree as defined in subdivision three of section 130.40,]  
40 in addition to forcible compulsion, circumstances under which, at the  
41 time of the act of intercourse, oral sexual conduct or anal sexual  
42 conduct, the victim clearly expressed that he or she did not consent to  
43 engage in such act, and a reasonable person in the actor's situation  
44 would have understood such person's words and acts as an expression of  
45 lack of consent to such act under all the circumstances.

46 (h) a client or patient and the actor is a health care provider or  
47 mental health care provider charged with rape in the [third] FOURTH  
48 degree as defined in section 130.25, [criminal sexual act in the third  
49 degree as defined in section 130.40, aggravated sexual abuse in the  
50 fourth degree as defined in section 130.65-a,] or sexual abuse in the  
51 third degree as defined in section 130.55, and the act of sexual conduct  
52 occurs during a treatment session, consultation, interview, or examina-  
53 tion.

54 S 7. Subdivision 3 of section 130.10 of the penal law, as amended by  
55 chapter 264 of the laws of 2003, is amended to read as follows:

1 3. In any prosecution for the crime of rape in the [third] FOURTH  
2 degree as defined in section 130.25, [criminal sexual act in the third  
3 degree as defined in section 130.40, aggravated sexual abuse in the  
4 fourth degree as defined in section 130.65-a,] or sexual abuse in the  
5 third degree as defined in section 130.55 in which incapacity to consent  
6 is based on the circumstances set forth in paragraph (h) of subdivision  
7 three of section 130.05 of this article it shall be an affirmative  
8 defense that the client or patient consented to such conduct charged  
9 after having been expressly advised by the health care or mental health  
10 care provider that such conduct was not performed for a valid medical  
11 purpose.

12 S 8. Section 130.25 of the penal law, as amended by chapter 1 of the  
13 laws of 2000, is amended to read as follows:

14 S 130.25 Rape in the [third] FOURTH degree.

15 A person is guilty of rape in the [third] FOURTH degree when:

16 1. He or she engages in sexual intercourse, ORAL SEXUAL CONDUCT, OR  
17 ANAL SEXUAL CONDUCT with another person who is incapable of consent by  
18 reason of some factor other than being less than seventeen years old;

19 2. Being twenty-one years old or more, he or she engages in sexual  
20 intercourse, ORAL SEXUAL CONDUCT, OR ANAL SEXUAL CONDUCT with another  
21 person less than seventeen years old; [or]

22 3. He or she engages in sexual intercourse, ORAL SEXUAL CONDUCT, OR  
23 ANAL SEXUAL CONDUCT with another person without such person's consent  
24 where such lack of consent is by reason of some factor other than inca-  
25 pacity to consent[.];

26 4. HE OR SHE INSERTS A FOREIGN OBJECT IN THE VAGINA, URETHRA, PENIS,  
27 RECTUM OR ANUS OF ANOTHER PERSON AND THE OTHER PERSON IS INCAPABLE OF  
28 CONSENT BY REASON OF SOME FACTOR OTHER THAN BEING LESS THAN SEVENTEEN  
29 YEARS OLD; OR

30 5. HE OR SHE INSERTS A FINGER IN THE VAGINA, URETHRA, PENIS, RECTUM OR  
31 ANUS OF ANOTHER PERSON CAUSING PHYSICAL INJURY TO SUCH PERSON AND SUCH  
32 PERSON IS INCAPABLE OF CONSENT BY REASON OF SOME FACTOR OTHER THAN BEING  
33 LESS THAN SEVENTEEN YEARS OLD.

34 CONDUCT PERFORMED FOR A VALID MEDICAL PURPOSE DOES NOT VIOLATE THE  
35 PROVISIONS OF SUBDIVISIONS FOUR AND FIVE OF THIS SECTION.

36 Rape in the [third] FOURTH degree is a class E felony.

37 S 9. Section 130.30 of the penal law, as amended by chapter 1 of the  
38 laws of 2000, is amended to read as follows:

39 S 130.30 Rape in the [second] THIRD degree.

40 A person is guilty of rape in the [second] THIRD degree when:

41 1. being eighteen years old or more, he or she engages in sexual  
42 intercourse, ORAL SEXUAL CONDUCT, OR ANAL SEXUAL CONDUCT with another  
43 person less than fifteen years old; [or]

44 2. he or she engages in sexual intercourse, ORAL SEXUAL CONDUCT, OR  
45 ANAL SEXUAL CONDUCT with another person who is incapable of consent by  
46 reason of being mentally disabled or mentally incapacitated[.];

47 3. HE OR SHE INSERTS A FOREIGN OBJECT IN THE VAGINA, URETHRA, PENIS,  
48 RECTUM OR ANUS OF ANOTHER PERSON:

49 (A) BY FORCIBLE COMPULSION; OR

50 (B) WHEN THE OTHER PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING  
51 PHYSICALLY HELPLESS; OR

52 (C) WHEN THE OTHER PERSON IS LESS THAN ELEVEN YEARS OLD; OR

53 4. HE OR SHE INSERTS A FOREIGN OBJECT IN THE VAGINA, URETHRA, PENIS,  
54 RECTUM OR ANUS OF ANOTHER PERSON CAUSING PHYSICAL INJURY TO SUCH PERSON  
55 AND SUCH PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING MENTALLY  
56 DISABLED OR MENTALLY INCAPACITATED.

1 CONDUCT PERFORMED FOR A VALID MEDICAL PURPOSE DOES NOT VIOLATE SUBDI-  
2 VISIONS THREE AND FOUR OF THIS SECTION.

3 It shall be an affirmative defense to the crime of rape in the  
4 [second] THIRD degree as defined in subdivision one of this section that  
5 the defendant was less than four years older than the victim at the time  
6 of the act.

7 Rape in the [second] THIRD degree is a class D felony.

8 S 10. The penal law is amended by adding a new section 130.33 to read  
9 as follows:

10 S 130.33 RAPE IN THE SECOND DEGREE.

11 A PERSON IS GUILTY OF RAPE IN THE SECOND DEGREE WHEN HE OR SHE INSERTS  
12 A FINGER IN THE VAGINA, URETHRA, PENIS, RECTUM OR ANUS OF ANOTHER PERSON  
13 CAUSING PHYSICAL INJURY TO SUCH PERSON:

14 1. BY FORCIBLE COMPULSION; OR

15 2. WHEN THE OTHER PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING  
16 PHYSICALLY HELPLESS; OR

17 3. WHEN THE OTHER PERSON IS LESS THAN ELEVEN YEARS OLD.

18 CONDUCT PERFORMED FOR A VALID MEDICAL PURPOSE DOES NOT VIOLATE THE  
19 PROVISIONS OF THIS SECTION.

20 RAPE IN THE SECOND DEGREE IS A CLASS C FELONY.

21 S 11. Section 130.35 of the penal law, as amended by chapter 1 of the  
22 laws of 2000, is amended to read as follows:

23 S 130.35 Rape in the first degree.

24 A person is guilty of rape in the first degree when:

25 1. he or she engages in sexual intercourse, ORAL SEXUAL CONDUCT, OR  
26 ANAL SEXUAL CONDUCT with another person:

27 [1.] (A) By forcible compulsion; or

28 [2.] (B) Who is incapable of consent by reason of being physically  
29 helpless; or

30 [3.] (C) Who is less than eleven years old; or

31 [4.] (D) Who is less than thirteen years old and the actor is eighteen  
32 years old or more[.];

33 2. HE OR SHE INSERTS A FOREIGN OBJECT IN THE VAGINA, URETHRA, PENIS,  
34 RECTUM OR ANUS OF ANOTHER PERSON CAUSING PHYSICAL INJURY TO SUCH PERSON:

35 (A) BY FORCIBLE COMPULSION; OR

36 (B) WHEN THE OTHER PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING  
37 PHYSICALLY HELPLESS; OR

38 (C) WHEN THE OTHER PERSON IS LESS THAN ELEVEN YEARS OLD.

39 CONDUCT PERFORMED FOR A VALID MEDICAL PURPOSE DOES NOT VIOLATE SUBDI-  
40 VISION TWO OF THIS SECTION.

41 Rape in the first degree is a class B felony.

42 S 12. Section 255.26 of the penal law, as added by chapter 320 of the  
43 laws of 2006, is amended to read as follows:

44 S 255.26 Incest in the second degree.

45 A person is guilty of incest in the second degree when he or she  
46 commits the crime of rape in the [second] THIRD degree, as defined in  
47 section 130.30 of this part, [or criminal sexual act in the second  
48 degree, as defined in section 130.45 of this part,] against a person  
49 whom he or she knows to be related to him or her, whether through  
50 marriage or not, as an ancestor, descendant, brother or sister of either  
51 the whole or the half blood, uncle, aunt, nephew or niece.

52 Incest in the second degree is a class D felony.

53 S 13. Section 255.27 of the penal law, as added by chapter 320 of the  
54 laws of 2006, is amended to read as follows:

55 S 255.27 Incest in the first degree.

1 A person is guilty of incest in the first degree when he or she  
2 commits the crime of rape in the first degree, as defined in PARAGRAPH  
3 (C) OR (D) OF subdivision [three or four] ONE of section 130.35 of this  
4 part[, or criminal sexual act in the first degree, as defined in subdivi-  
5 sion three or four of section 130.50 of this part,] against a person  
6 whom he or she knows to be related to him or her, whether through  
7 marriage or not, as an ancestor, descendant, brother or sister of either  
8 the whole or half blood, uncle, aunt, nephew or niece.

9 Incest in the first degree is a class B felony.

10 S 14. Subdivision 3 of section 485.05 of the penal law, as amended by  
11 chapter 405 of the laws of 2010, is amended to read as follows:

12 3. A "specified offense" is an offense defined by any of the following  
13 provisions of this chapter: section 120.00 (assault in the third  
14 degree); section 120.05 (assault in the second degree); section 120.10  
15 (assault in the first degree); section 120.12 (aggravated assault upon a  
16 person less than eleven years old); section 120.13 (menacing in the  
17 first degree); section 120.14 (menacing in the second degree); section  
18 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
19 germent in the second degree); section 120.25 (reckless endangerment in  
20 the first degree); section 121.12 (strangulation in the second degree);  
21 section 121.13 (strangulation in the first degree); subdivision one of  
22 section 125.15 (manslaughter in the second degree); subdivision one, two  
23 or four of section 125.20 (manslaughter in the first degree); section  
24 125.25 (murder in the second degree); section 120.45 (stalking in the  
25 fourth degree); section 120.50 (stalking in the third degree); section  
26 120.55 (stalking in the second degree); section 120.60 (stalking in the  
27 first degree); SUBDIVISION ONE OF SECTION 130.33 (RAPE IN THE SECOND  
28 DEGREE); PARAGRAPH (A) OF subdivision one AND PARAGRAPH (A) OF SUBDIVI-  
29 SION TWO of section 130.35 (rape in the first degree); [subdivision one  
30 of section 130.50 (criminal sexual act in the first degree);] subdivi-  
31 sion one of section 130.65 (sexual abuse in the first degree); [para-  
32 graph (a) of subdivision one of section 130.67 (aggravated sexual abuse  
33 in the second degree);] paragraph (a) of subdivision one of section  
34 130.70 (aggravated sexual abuse in the first degree); section 135.05  
35 (unlawful imprisonment in the second degree); section 135.10 (unlawful  
36 imprisonment in the first degree); section 135.20 (kidnapping in the  
37 second degree); section 135.25 (kidnapping in the first degree); section  
38 135.60 (coercion in the second degree); section 135.65 (coercion in the  
39 first degree); section 140.10 (criminal trespass in the third degree);  
40 section 140.15 (criminal trespass in the second degree); section 140.17  
41 (criminal trespass in the first degree); section 140.20 (burglary in the  
42 third degree); section 140.25 (burglary in the second degree); section  
43 140.30 (burglary in the first degree); section 145.00 (criminal mischief  
44 in the fourth degree); section 145.05 (criminal mischief in the third  
45 degree); section 145.10 (criminal mischief in the second degree);  
46 section 145.12 (criminal mischief in the first degree); section 150.05  
47 (arson in the fourth degree); section 150.10 (arson in the third  
48 degree); section 150.15 (arson in the second degree); section 150.20  
49 (arson in the first degree); section 155.25 (petit larceny); section  
50 155.30 (grand larceny in the fourth degree); section 155.35 (grand  
51 larceny in the third degree); section 155.40 (grand larceny in the  
52 second degree); section 155.42 (grand larceny in the first degree);  
53 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
54 the second degree); section 160.15 (robbery in the first degree);  
55 section 240.25 (harassment in the first degree); subdivision one, two or

four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

S 15. Subdivision 42 of section 1.20 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); [subdivisions one and] PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE AND SUBDIVISION two of section 130.35 (rape in the first degree); [subdivisions one and two of section 130.50 (criminal sexual act in the first degree);] 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

S 16. Paragraph (a) of subdivision 2 of section 30.10 of the criminal procedure law, as amended by chapter 467 of the laws of 2008, is amended to read as follows:

(a) A prosecution for a class A felony, or rape in the first degree as defined in section 130.35 of the penal law, [or a crime defined or formerly defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law,] or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law may be commenced at any time;

S 17. Paragraphs (a) and (b) of subdivision 1, the opening paragraph of subdivision 2 and paragraph (a) of subdivision 3 of section 140.20 of the criminal procedure law, paragraphs (a) and (b) of subdivision 1 as amended by chapter 324 of the laws of 1988, the opening paragraph of subdivision 2 and paragraph (a) of subdivision 3 as amended by chapter 550 of the laws of 1987, are amended to read as follows:

(a) If the arrest is for an offense other than a class A, B, C or D felony or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25, [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law committed in a town, but not in a village thereof having a village court, and the town court of such town is not available at the time, the arrested person may be brought before the local criminal court of any village within such town or, any adjoining town, village embraced in whole or in part by such adjoining town, or city of the same county; and

(b) If the arrest is for an offense other than a class A, B, C or D felony or a violation of SUBDIVISION ONE, TWO OR THREE OF section



1 130.25, [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the  
2 penal law committed in a village having a village court and such court  
3 is not available at the time, the arrested person may be brought before  
4 the town court of the town embracing such village or any other village  
5 court within such town, or, if such town or village court is not avail-  
6 able either, before the local criminal court of any adjoining town,  
7 village embraced in whole or in part by such adjoining town, or city of  
8 the same county; and

9 If the arrest is for an offense other than a class A, B, C or D felony  
10 or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
11 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law,  
12 the arrested person need not be brought before a local criminal court as  
13 provided in subdivision one, and the procedure may instead be as  
14 follows:

15 (a) the arrest is for an offense other than a class A, B, C or D felo-  
16 ny or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
17 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law,  
18 and

19 S 18. Paragraph (a) of subdivision 3 and the opening paragraph of  
20 subdivision 4 of section 140.27 of the criminal procedure law, as  
21 amended by chapter 550 of the laws of 1987, are amended to read as  
22 follows:

23 (a) the arrest is for an offense other than a class A, B, C or D felo-  
24 ny or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
25 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law  
26 and

27 If the arrest is for an offense other than a class A, B, C or D felony  
28 or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
29 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law,  
30 the arrested person need not be brought before a local criminal court as  
31 provided in subdivision two, and the procedure may instead be as  
32 follows:

33 S 19. Paragraph (a) of subdivision 2 and the opening paragraph of  
34 subdivision 3 of section 140.40 of the criminal procedure law, as  
35 amended by chapter 550 of the laws of 1987, are amended to read as  
36 follows:

37 (a) the arrest is for an offense other than a class A, B, C or D felo-  
38 ny or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
39 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law  
40 and

41 If the arrest is for an offense other than a class A, B, C or D felony  
42 or a violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
43 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law,  
44 the arrested person need not be brought before a local criminal court,  
45 as provided in subdivision one, and the procedure may instead be as  
46 follows:

47 S 20. Section 150.20 of the criminal procedure law, subdivisions 1, 2  
48 and 3 as amended by chapter 550 of the laws of 1987, is amended to read  
49 as follows:

50 S 150.20 Appearance ticket; when and by whom issuable.

51 1. Whenever a police officer is authorized pursuant to section 140.10  
52 to arrest a person without a warrant for an offense other than a class  
53 A, B, C or D felony or a violation of SUBDIVISION ONE, TWO OR THREE OF  
54 section 130.25, [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of  
55 the penal law, he may, subject to the provisions of subdivisions three

1 and four of section 150.40, instead issue to and serve upon such person  
2 an appearance ticket.

3 2. (a) Whenever a police officer has arrested a person without a  
4 warrant for an offense other than a class A, B, C or D felony or a  
5 violation of SUBDIVISION ONE, TWO OR THREE OF section 130.25, [130.40,]  
6 OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to  
7 section 140.10, or (b) whenever a peace officer, who is not authorized  
8 by law to issue an appearance ticket, has arrested a person for an  
9 offense other than a class A, B, C or D felony or a violation of SUBDI-  
10 VISION ONE, TWO OR THREE OF section 130.25, [130.40,] OR SECTION 205.10,  
11 205.17, 205.19 or 215.56 of the penal law pursuant to section 140.25,  
12 and has requested a police officer to issue and serve upon such arrested  
13 person an appearance ticket pursuant to subdivision four of section  
14 140.27, or (c) whenever a person has been arrested for an offense other  
15 than a class A, B, C or D felony or a violation of SUBDIVISION ONE, TWO  
16 OR THREE OF section 130.25, [130.40,] OR SECTION 205.10, 205.17, 205.19  
17 or 215.56 of the penal law and has been delivered to the custody of an  
18 appropriate police officer pursuant to section 140.40, such police offi-  
19 cer may, instead of bringing such person before a local criminal court  
20 and promptly filing or causing the arresting peace officer or arresting  
21 person to file a local criminal court accusatory instrument therewith,  
22 issue to and serve upon such person an appearance ticket. The issuance  
23 and service of an appearance ticket under such circumstances may be  
24 conditioned upon a deposit of pre-arraignment bail, as provided in  
25 section 150.30.

26 3. A public servant other than a police officer, who is specially  
27 authorized by state law or local law enacted pursuant to the provisions  
28 of the municipal home rule law to issue and serve appearance tickets  
29 with respect to designated offenses other than class A, B, C or D felo-  
30 nies or violations of SUBDIVISION ONE, TWO OR THREE OF section 130.25,  
31 [130.40,] OR SECTION 205.10, 205.17, 205.19 or 215.56 of the penal law,  
32 may in such cases issue and serve upon a person an appearance ticket  
33 when he has reasonable cause to believe that such person has committed a  
34 crime, or has committed a petty offense in his presence.

35 S 21. Subdivision 4 of section 180.75 of the criminal procedure law,  
36 as amended by chapter 264 of the laws of 2003, is amended to read as  
37 follows:

38 4. Notwithstanding the provisions of subdivisions two and three of  
39 this section, a local criminal court shall, at the request of the  
40 district attorney, order removal of an action against a juvenile offen-  
41 der to the family court pursuant to the provisions of article seven  
42 hundred twenty-five of this chapter if, upon consideration of the crite-  
43 ria specified in subdivision two of section 210.43 of this chapter, it  
44 is determined that to do so would be in the interests of justice.  
45 Where, however, the felony complaint charges the juvenile offender with  
46 murder in the second degree as defined in section 125.25 of the penal  
47 law, rape in the first degree as defined in PARAGRAPH (A) OF subdivision  
48 one of section 130.35 of the penal law, [criminal sexual act in the  
49 first degree as defined in subdivision one of section 130.50 of the  
50 penal law,] or an armed felony as defined in paragraph (a) of subdivi-  
51 sion forty-one of section 1.20 of this chapter, a determination that  
52 such action be removed to the family court shall, in addition, be based  
53 upon a finding of one or more of the following factors: (i) mitigating  
54 circumstances that bear directly upon the manner in which the crime was  
55 committed; or (ii) where the defendant was not the sole participant in  
56 the crime, the defendant's participation was relatively minor although

1 not so minor as to constitute a defense to the prosecution; or (iii)  
2 possible deficiencies in proof of the crime.

3 S 22. Subdivision (a) of section 190.71 of the criminal procedure law,  
4 as amended by chapter 7 of the laws of 2007, is amended to read as  
5 follows:

6 (a) Except as provided in subdivision six of section 200.20 of this  
7 chapter, a grand jury may not indict (i) a person thirteen years of age  
8 for any conduct or crime other than conduct constituting a crime defined  
9 in subdivisions one and two of section 125.25 (murder in the second  
10 degree) or such conduct as a sexually motivated felony, where authorized  
11 pursuant to section 130.91 of the penal law; (ii) a person fourteen or  
12 fifteen years of age for any conduct or crime other than conduct consti-  
13 tuting a crime defined in subdivisions one and two of section 125.25  
14 (murder in the second degree) and in subdivision three of such section  
15 provided that the underlying crime for the murder charge is one for  
16 which such person is criminally responsible; 135.25 (kidnapping in the  
17 first degree); 150.20 (arson in the first degree); subdivisions one and  
18 two of section 120.10 (assault in the first degree); 125.20 (manslaught-  
19 er in the first degree); [subdivisions one and] PARAGRAPHS (A) AND (B)  
20 OF SUBDIVISION ONE AND SUBDIVISION two of section 130.35 (rape in the  
21 first degree); [subdivisions one and two of section 130.50 (criminal  
22 sexual act in the first degree); 130.70 (aggravated sexual abuse in the  
23 first degree);] 140.30 (burglary in the first degree); subdivision one  
24 of section 140.25 (burglary in the second degree); 150.15 (arson in the  
25 second degree); 160.15 (robbery in the first degree); subdivision two of  
26 section 160.10 (robbery in the second degree) of the penal law; subdivi-  
27 sion four of section 265.02 of the penal law, where such firearm is  
28 possessed on school grounds, as that phrase is defined in subdivision  
29 fourteen of section 220.00 of the penal law; or section 265.03 of the  
30 penal law, where such machine gun or such firearm is possessed on school  
31 grounds, as that phrase is defined in subdivision fourteen of section  
32 220.00 of the penal law; or defined in the penal law as an attempt to  
33 commit murder in the second degree or kidnapping in the first degree, or  
34 such conduct as a sexually motivated felony, where authorized pursuant  
35 to section 130.91 of the penal law.

36 S 23. Paragraph (b) of subdivision 1 of section 210.43 of the criminal  
37 procedure law, as amended by chapter 264 of the laws of 2003, is amended  
38 to read as follows:

39 (b) with the consent of the district attorney, order removal of an  
40 action involving an indictment charging a juvenile offender with murder  
41 in the second degree as defined in section 125.25 of the penal law; rape  
42 in the first degree, as defined in PARAGRAPH (A) OF subdivision one of  
43 section 130.35 of the penal law; [criminal sexual act in the first  
44 degree, as defined in subdivision one of section 130.50 of the penal  
45 law;] or an armed felony as defined in paragraph (a) of subdivision  
46 forty-one of section 1.20, to the family court pursuant to the  
47 provisions of article seven hundred twenty-five of this chapter if the  
48 court finds one or more of the following factors: (i) mitigating circum-  
49 stances that bear directly upon the manner in which the crime was  
50 committed; (ii) where the defendant was not the sole participant in the  
51 crime, the defendant's participation was relatively minor although not  
52 so minor as to constitute a defense to the prosecution; or (iii) possi-  
53 ble deficiencies in the proof of the crime, and, after consideration of  
54 the factors set forth in subdivision two of this section, the court  
55 determined that removal of the action to the family court would be in  
56 the interests of justice.

1 S 24. Subparagraph (iii) of paragraph (g) of subdivision 5 of section  
2 220.10 of the criminal procedure law, as amended by chapter 264 of the  
3 laws of 2003, is amended to read as follows:

4 (iii) Where the indictment does not charge a crime specified in  
5 subparagraph (i) of this paragraph, the district attorney may recommend  
6 removal of the action to the family court. Upon making such recommenda-  
7 tion the district attorney shall submit a subscribed memorandum setting  
8 forth: (1) a recommendation that the interests of justice would best be  
9 served by removal of the action to the family court; and (2) if the  
10 indictment charges a thirteen year old with the crime of murder in the  
11 second degree, or a fourteen or fifteen year old with the crimes of rape  
12 in the first degree as defined in PARAGRAPH (A) OF subdivision one of  
13 section 130.35 of the penal law, [or criminal sexual act in the first  
14 degree as defined in subdivision one of section 130.50 of the penal  
15 law,] or an armed felony as defined in paragraph (a) of subdivision  
16 forty-one of section 1.20 of this chapter specific factors, one or more  
17 of which reasonably supports the recommendation, showing, (i) mitigating  
18 circumstances that bear directly upon the manner in which the crime was  
19 committed, or (ii) where the defendant was not the sole participant in  
20 the crime, that the defendant's participation was relatively minor  
21 although not so minor as to constitute a defense to the prosecution, or  
22 (iii) possible deficiencies in proof of the crime, or (iv) where the  
23 juvenile offender has no previous adjudications of having committed a  
24 designated felony act, as defined in subdivision eight of section 301.2  
25 of the family court act, regardless of the age of the offender at the  
26 time of commission of the act, that the criminal act was not part of a  
27 pattern of criminal behavior and, in view of the history of the offen-  
28 der, is not likely to be repeated.

29 S 25. Subdivision 6 of section 300.50 of the criminal procedure law,  
30 as amended by chapter 264 of the laws of 2003, is amended to read as  
31 follows:

32 6. For purposes of this section, the offenses of rape in the [third]  
33 FOURTH degree as defined in subdivision three of section 130.25 of the  
34 penal law [and criminal sexual act in the third degree as defined in  
35 subdivision three of section 130.40 of the penal law], are not lesser  
36 included offenses of rape in the first degree, criminal sexual act in  
37 the first degree or any other offense. Notwithstanding the foregoing,  
38 either such offense may be submitted as a lesser included offense of the  
39 applicable first degree offense when (i) there is a reasonable view of  
40 the evidence which would support a finding that the defendant committed  
41 such lesser offense but did not commit the greater offense, and (ii)  
42 both parties consent to its submission.

43 S 26. Subdivision 6 of section 380.50 of the criminal procedure law,  
44 as amended by chapter 320 of the laws of 2006, is amended to read as  
45 follows:

46 6. Regardless of whether the victim requests to make a statement with  
47 regard to the defendant's sentence, where the defendant is sentenced for  
48 a violent felony offense as defined in section 70.02 of the penal law or  
49 a felony defined in article one hundred twenty-five of such law or any  
50 of the following provisions of such law sections 130.25, 130.30,  
51 [130.40, 130.45] 130.33, 255.25, 255.26, 255.27, article two hundred  
52 sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section  
53 230.30 or 230.32, OR ANY OFFENSES COMMITTED UNDER A FORMER SECTION OF  
54 ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW WHICH WOULD CONSTITUTE A  
55 VIOLATION OF THE AFORESAID SECTIONS OF THE PENAL LAW, the prosecutor  
56 shall, within sixty days of the imposition of sentence, provide the

1 victim with a form on which the victim may indicate a demand to be  
2 informed of any petition to change the name of such defendant. Such  
3 forms shall be maintained by such prosecutor. Upon receipt of a notice  
4 of a petition to change the name of any such defendant, pursuant to  
5 subdivision two of section sixty-two of the civil rights law, the prose-  
6 cutor shall promptly notify the victim at the most current address or  
7 telephone number provided by such victim in the most reasonable and  
8 expedient possible manner of the time and place such petition will be  
9 presented to the court.

10 S 27. Paragraph (b) of subdivision 8 of section 700.05 of the criminal  
11 procedure law, as amended by chapter 405 of the laws of 2010, is amended  
12 to read as follows:

13 (b) Any of the following felonies: assault in the second degree as  
14 defined in section 120.05 of the penal law, assault in the first degree  
15 as defined in section 120.10 of the penal law, reckless endangerment in  
16 the first degree as defined in section 120.25 of the penal law, promot-  
17 ing a suicide attempt as defined in section 120.30 of the penal law,  
18 strangulation in the second degree as defined in section 121.12 of the  
19 penal law, strangulation in the first degree as defined in section  
20 121.13 of the penal law, criminally negligent homicide as defined in  
21 section 125.10 of the penal law, manslaughter in the second degree as  
22 defined in section 125.15 of the penal law, manslaughter in the first  
23 degree as defined in section 125.20 of the penal law, murder in the  
24 second degree as defined in section 125.25 of the penal law, murder in  
25 the first degree as defined in section 125.27 of the penal law, abortion  
26 in the second degree as defined in section 125.40 of the penal law,  
27 abortion in the first degree as defined in section 125.45 of the penal  
28 law, rape in the [third] FOURTH degree as defined in SUBDIVISION ONE,  
29 TWO OR THREE OF section 130.25 of the penal law, rape in the [second]  
30 THIRD degree as defined in SUBDIVISION ONE OR TWO OF section 130.30 of  
31 the penal law, rape in the first degree as defined in SUBDIVISION ONE OF  
32 section 130.35 of the penal law, [criminal sexual act in the third  
33 degree as defined in section 130.40 of the penal law, criminal sexual  
34 act in the second degree as defined in section 130.45 of the penal law,  
35 criminal sexual act in the first degree as defined in section 130.50 of  
36 the penal law,] sexual abuse in the first degree as defined in section  
37 130.65 of the penal law, unlawful imprisonment in the first degree as  
38 defined in section 135.10 of the penal law, kidnapping in the second  
39 degree as defined in section 135.20 of the penal law, kidnapping in the  
40 first degree as defined in section 135.25 of the penal law, labor traf-  
41 ficking as defined in section 135.35 of the penal law, custodial inter-  
42 ference in the first degree as defined in section 135.50 of the penal  
43 law, coercion in the first degree as defined in section 135.65 of the  
44 penal law, criminal trespass in the first degree as defined in section  
45 140.17 of the penal law, burglary in the third degree as defined in  
46 section 140.20 of the penal law, burglary in the second degree as  
47 defined in section 140.25 of the penal law, burglary in the first degree  
48 as defined in section 140.30 of the penal law, criminal mischief in the  
49 third degree as defined in section 145.05 of the penal law, criminal  
50 mischief in the second degree as defined in section 145.10 of the penal  
51 law, criminal mischief in the first degree as defined in section 145.12  
52 of the penal law, criminal tampering in the first degree as defined in  
53 section 145.20 of the penal law, arson in the fourth degree as defined  
54 in section 150.05 of the penal law, arson in the third degree as defined  
55 in section 150.10 of the penal law, arson in the second degree as  
56 defined in section 150.15 of the penal law, arson in the first degree as

1 defined in section 150.20 of the penal law, grand larceny in the fourth  
2 degree as defined in section 155.30 of the penal law, grand larceny in  
3 the third degree as defined in section 155.35 of the penal law, grand  
4 larceny in the second degree as defined in section 155.40 of the penal  
5 law, grand larceny in the first degree as defined in section 155.42 of  
6 the penal law, health care fraud in the fourth degree as defined in  
7 section 177.10 of the penal law, health care fraud in the third degree  
8 as defined in section 177.15 of the penal law, health care fraud in the  
9 second degree as defined in section 177.20 of the penal law, health care  
10 fraud in the first degree as defined in section 177.25 of the penal law,  
11 robbery in the third degree as defined in section 160.05 of the penal  
12 law, robbery in the second degree as defined in section 160.10 of the  
13 penal law, robbery in the first degree as defined in section 160.15 of  
14 the penal law, unlawful use of secret scientific material as defined in  
15 section 165.07 of the penal law, criminal possession of stolen property  
16 in the fourth degree as defined in section 165.45 of the penal law,  
17 criminal possession of stolen property in the third degree as defined in  
18 section 165.50 of the penal law, criminal possession of stolen property  
19 in the second degree as defined by section 165.52 of the penal law,  
20 criminal possession of stolen property in the first degree as defined by  
21 section 165.54 of the penal law, trademark counterfeiting in the second  
22 degree as defined in section 165.72 of the penal law, trademark counter-  
23 feiting in the first degree as defined in section 165.73 of the penal  
24 law, forgery in the second degree as defined in section 170.10 of the  
25 penal law, forgery in the first degree as defined in section 170.15 of  
26 the penal law, criminal possession of a forged instrument in the second  
27 degree as defined in section 170.25 of the penal law, criminal  
28 possession of a forged instrument in the first degree as defined in  
29 section 170.30 of the penal law, criminal possession of forgery devices  
30 as defined in section 170.40 of the penal law, falsifying business  
31 records in the first degree as defined in section 175.10 of the penal  
32 law, tampering with public records in the first degree as defined in  
33 section 175.25 of the penal law, offering a false instrument for filing  
34 in the first degree as defined in section 175.35 of the penal law, issu-  
35 ing a false certificate as defined in section 175.40 of the penal law,  
36 criminal diversion of prescription medications and prescriptions in the  
37 second degree as defined in section 178.20 of the penal law, criminal  
38 diversion of prescription medications and prescriptions in the first  
39 degree as defined in section 178.25 of the penal law, residential mort-  
40 gage fraud in the fourth degree as defined in section 187.10 of the  
41 penal law, residential mortgage fraud in the third degree as defined in  
42 section 187.15 of the penal law, residential mortgage fraud in the  
43 second degree as defined in section 187.20 of the penal law, residential  
44 mortgage fraud in the first degree as defined in section 187.25 of the  
45 penal law, escape in the second degree as defined in section 205.10 of  
46 the penal law, escape in the first degree as defined in section 205.15  
47 of the penal law, absconding from temporary release in the first degree  
48 as defined in section 205.17 of the penal law, promoting prison contra-  
49 band in the first degree as defined in section 205.25 of the penal law,  
50 hindering prosecution in the second degree as defined in section 205.60  
51 of the penal law, hindering prosecution in the first degree as defined  
52 in section 205.65 of the penal law, sex trafficking as defined in  
53 section 230.34 of the penal law, criminal possession of a weapon in the  
54 third degree as defined in subdivisions two, three and five of section  
55 265.02 of the penal law, criminal possession of a weapon in the second  
56 degree as defined in section 265.03 of the penal law, criminal

possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances defined as felonies in subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

S 28. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision 3 of section 168-a of the correction law, paragraph (a) of subdivision 2 as amended by chapter 405 of the laws of 2008 and paragraph (a) of subdivision 3 as amended by chapter 107 of the laws of 2006, are amended to read as follows:

(a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, [130.25, 130.30, 130.40, 130.45,] 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27, OR SUBDIVISION ONE, TWO OR THREE OF SECTION 130.25, OR SUBDIVISION ONE OR TWO OF SECTION 130.30, or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05 or 230.06, or subdivision two of section 230.30, or section 230.32 or 230.33 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of section 235.22 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law or as a sexually motivated felony defined in section 130.91 of such law; or (IV) ANY OFFENSE COMMITTED UNDER A FORMER SECTION OF ARTICLE 130 OF THE PENAL LAW WHICH WOULD CONSTITUTE A VIOLATION OF THE AFORESAID SECTIONS OF THE PENAL LAW.

(a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.33, 130.35, [130.50,] 130.65, [130.66, 130.67,] 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.53[, 130.65-a] and 130.90 of the penal law, [(iii)] or SUBDIVISIONS FOUR AND FIVE OF SECTION 130.25 OR 130.30 OF THE PENAL LAW, OR (III) OR ANY OFFENSES COMMITTED UNDER A FORMER SECTION OF ARTICLE 130 OF THE PENAL LAW WHICH WOULD CONSTITUTE A VIOLATION OF THE AFORESAID SECTIONS OF THE PENAL LAW, OR (IV) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or

S 29. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii) of paragraph (b) and paragraph (c) of subdivision 8 of section 384-b of the social services law, subparagraph (ii) of paragraph (a) and paragraph (e) as added and subparagraphs (i) and (ii) of paragraph (b) as amended by chapter 7 of the laws of 1999, are amended to read as follows:

(ii) the child has been found to be an abused child, as defined in paragraph (iii) of subdivision (e) of section ten hundred twelve of the family court act, as a result of such parent's acts; provided, however,

1 the respondent must have committed or knowingly allowed to be committed  
2 a felony sex offense as defined in [sections] SUBDIVISION ONE, TWO OR  
3 THREE OF SECTION 130.25[, ] OR 130.30, OR SECTIONS 130.33, 130.35,  
4 [130.40, 130.45, 130.50, ] 130.65, [130.67, 130.70, ] 130.75 and 130.80 of  
5 the penal law and, for the purposes of this section the corroboration  
6 requirements contained in the penal law shall not apply to proceedings  
7 under this section; or

8 (i) the child has been found to be an abused child, (A) as defined in  
9 paragraph (i) of subdivision (e) of section ten hundred twelve of the  
10 family court act, as a result of such parent's acts; or (B) as defined  
11 in paragraph (iii) of subdivision (e) of section ten hundred twelve of  
12 the family court act, as a result of such parent's acts; provided,  
13 however, the respondent must have committed or knowingly allowed to be  
14 committed a felony sex offense as defined in [sections] SUBDIVISION ONE,  
15 TWO OR THREE OF SECTION 130.25, SUBDIVISION ONE OR TWO OF SECTION  
16 130.30, OR SECTIONS 130.33, 130.35, [130.40, 130.45, 130.50, ] 130.65,  
17 [130.67, 130.70, ] 130.75 and 130.80 of the penal law; and

18 (ii) (A) the child or another child for whose care such parent is or  
19 has been legally responsible has been previously found, within the five  
20 years immediately preceding the initiation of the proceeding in which  
21 such abuse is found, to be an abused child, as defined in paragraph (i)  
22 or (iii) of subdivision (e) of section ten hundred twelve of the family  
23 court act, as a result of such parent's acts; provided, however, in the  
24 case of a finding of abuse as defined in paragraph (iii) of subdivision  
25 (e) of section ten hundred twelve of the family court act the respondent  
26 must have committed or knowingly allowed to be committed a felony sex  
27 offense as defined in [sections] SUBDIVISION ONE, TWO OR THREE OF  
28 SECTION 130.25, SUBDIVISION ONE OR TWO OF SECTION 130.30, OR SECTIONS  
29 130.33 130.35, [130.40, 130.45, 130.50, ] 130.65, [130.67, 130.70, ]  
30 130.75 and 130.80 of the penal law, or (B) the parent has been convicted  
31 of a crime under SUBDIVISION ONE, TWO OR THREE OF section 130.25, SUBDI-  
32 VISION ONE OR TWO OF SECTION 130.30, OR SECTIONS 130.33 130.35, [130.40,  
33 130.45, 130.50, ] 130.65, [130.67, 130.70, ] 130.75 or 130.80 of the penal  
34 law against the child, a sibling of the child or another child for whose  
35 care such parent is or has been legally responsible, within the five  
36 year period immediately preceding the initiation of the proceeding in  
37 which abuse is found; and

38 (e) A determination by the court in accordance with article ten of the  
39 family court act based upon clear and convincing evidence that a child  
40 was abused as defined in paragraph (i) of subdivision (e) of section ten  
41 hundred twelve of the family court act, as a result of such parent's  
42 acts; or (B) as defined in paragraph (iii) of subdivision (e) of section  
43 ten hundred twelve of the family court act, as a result of such parent's  
44 acts; provided, however, the respondent must have committed or knowingly  
45 allowed to be committed a felony sex offense as defined in [sections]  
46 SUBDIVISION ONE, TWO OR THREE OF SECTION 130.25, SUBDIVISION ONE OR TWO  
47 OF SECTION 130.30, OR SECTIONS 130.33, 130.35, [130.40, 130.45, 130.50, ]  
48 130.65, [130.67, 130.70, ] 130.75 and 130.80 of the penal law shall  
49 establish that the child was an abused child for the purpose of a deter-  
50 mination as required by subparagraph (i) or (ii) of paragraph (b) of  
51 this subdivision. Such a determination by the court in accordance with  
52 article ten of the family court act based upon a fair preponderance of  
53 evidence shall be admissible in any proceeding commenced in accordance  
54 with this section.



1 S 30. Subdivision 4 of section 509-cc of the vehicle and traffic law,  
2 as amended by chapter 400 of the laws of 2011, is amended to read as  
3 follows:

4 (4) (a) The offenses referred to in subparagraph (ii) of paragraph (a)  
5 of subdivision one and paragraph (a) of subdivision two of this section  
6 that result in permanent disqualification shall include a conviction  
7 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,  
8 125.25, 125.26, 125.27, 130.30, 130.33, 130.35, [130.45, 130.50,]  
9 130.65, [130.66, 130.67, 130.70,] 130.75, 130.80, 130.90, 130.95,  
10 130.96, 135.25, 150.20, 230.30, 230.32, 230.34, 235.22, 263.05, 263.10,  
11 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of  
12 the aforesaid offenses under section 110.00 of the penal law, or any  
13 offenses committed under a former section of the penal law which would  
14 constitute violations of the aforesaid sections of the penal law, or any  
15 offenses committed outside this state which would constitute violations  
16 of the aforesaid sections of the penal law.

17 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of  
18 subdivision one and paragraph (b) of subdivision two of this section  
19 that result in permanent disqualification shall include a conviction  
20 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 120.70, 125.10,  
21 125.11, [130.40,] 130.25, 130.53, 130.60, [130.65-a,] 135.20, 160.15,  
22 220.18, 220.21, 220.39, 220.41, 220.43, 220.44, 230.25, 260.00, 265.04  
23 of the penal law or an attempt to commit any of the aforesaid offenses  
24 under section 110.00 of the penal law, or any offenses committed under a  
25 former section of the penal law which would constitute violations of the  
26 aforesaid sections of the penal law, or any offenses committed outside  
27 this state which would constitute violations of the aforesaid sections  
28 of the penal law.

29 (c) The offenses referred to in subparagraph (i) of paragraph (b) of  
30 subdivision one and subparagraph (i) of paragraph (c) of subdivision two  
31 of this section that result in disqualification for a period of five  
32 years shall include a conviction under sections 100.10, 105.13, 115.05,  
33 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,  
34 125.40, 125.45, 130.20, [130.25,] 130.52, 130.55, 135.10, 135.55,  
35 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06,  
36 220.09, 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55,  
37 230.00, 230.05, 230.06, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06,  
38 245.00, 260.10, subdivision two of section 260.20 and sections 260.25,  
39 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law  
40 or an attempt to commit any of the aforesaid offenses under section  
41 110.00 of the penal law, or any similar offenses committed under a  
42 former section of the penal law, or any offenses committed under a  
43 former section of the penal law which would constitute violations of the  
44 aforesaid sections of the penal law, or any offenses committed outside  
45 this state which would constitute violations of the aforesaid sections  
46 of the penal law.

47 S 31. Subdivision (b) of section 117 of the family court act, as  
48 amended by chapter 7 of the laws of 2007, is amended to read as follows:

49 (b) For every juvenile delinquency proceeding under article three  
50 involving an allegation of an act committed by a person which, if done  
51 by an adult, would be a crime (i) defined in sections 125.27 (murder in  
52 the first degree); 125.25 (murder in the second degree); 135.25 (kidnap-  
53 ping in the first degree); or 150.20 (arson in the first degree) of the  
54 penal law committed by a person thirteen, fourteen or fifteen years of  
55 age; or such conduct committed as a sexually motivated felony, where  
56 authorized pursuant to section 130.91 of the penal law; (ii) defined in

1 sections 120.10 (assault in the first degree); 125.20 (manslaughter in  
2 the first degree); SUBDIVISION ONE OF SECTION 130.35 (rape in the first  
3 degree); [130.50 (criminal sexual act in the first degree);] SECTION  
4 135.20 (kidnapping in the second degree), but only where the abduction  
5 involved the use or threat of use of deadly physical force; 150.15  
6 (arson in the second degree); or 160.15 (robbery in the first degree) of  
7 the penal law committed by a person thirteen, fourteen or fifteen years  
8 of age; or such conduct committed as a sexually motivated felony, where  
9 authorized pursuant to section 130.91 of the penal law; (iii) defined in  
10 the penal law as an attempt to commit murder in the first or second  
11 degree or kidnapping in the first degree committed by a person thirteen,  
12 fourteen or fifteen years of age; or such conduct committed as a sexual-  
13 ly motivated felony, where authorized pursuant to section 130.91 of the  
14 penal law; (iv) defined in section 140.30 (burglary in the first  
15 degree); subdivision one of section 140.25 (burglary in the second  
16 degree); subdivision two of section 160.10 (robbery in the second  
17 degree) of the penal law; or section 265.03 of the penal law, where such  
18 machine gun or such firearm is possessed on school grounds, as that  
19 phrase is defined in subdivision fourteen of section 220.00 of the penal  
20 law committed by a person fourteen or fifteen years of age; or such  
21 conduct committed as a sexually motivated felony, where authorized  
22 pursuant to section 130.91 of the penal law; (v) defined in section  
23 120.05 (assault in the second degree) or 160.10 (robbery in the second  
24 degree) of the penal law committed by a person fourteen or fifteen years  
25 of age but only where there has been a prior finding by a court that  
26 such person has previously committed an act which, if committed by an  
27 adult, would be the crime of assault in the second degree, robbery in  
28 the second degree or any designated felony act specified in clause (i),  
29 (ii) or (iii) of this subdivision regardless of the age of such person  
30 at the time of the commission of the prior act; or (vi) other than a  
31 misdemeanor, committed by a person at least seven but less than sixteen  
32 years of age, but only where there has been two prior findings by the  
33 court that such person has committed a prior act which, if committed by  
34 an adult would be a felony:

35 (i) There is hereby established in the family court in the city of New  
36 York at least one "designated felony act part." Such part or parts shall  
37 be held separate from all other proceedings of the court, and shall have  
38 jurisdiction over all proceedings involving such an allegation. All such  
39 proceedings shall be originated in or be transferred to this part from  
40 other parts as they are made known to the court.

41 (ii) Outside the city of New York, all proceedings involving such an  
42 allegation shall have a hearing preference over every other proceeding  
43 in the court, except proceedings under article ten.

44 S 32. Paragraph (ii) of subdivision 8 of section 301.2 of the family  
45 court act, as amended by chapter 7 of the laws of 2007, is amended to  
46 read as follows:

47 (ii) defined in sections 120.10 (assault in the first degree); 125.20  
48 (manslaughter in the first degree); 130.35 (rape in the first degree);  
49 [130.50 (criminal sexual act in the first degree); 130.70 (aggravated  
50 sexual abuse in the first degree);] 135.20 (kidnapping in the second  
51 degree) but only where the abduction involved the use or threat of use  
52 of deadly physical force; 150.15 (arson in the second degree) or 160.15  
53 (robbery in the first degree) of the penal law committed by a person  
54 thirteen, fourteen or fifteen years of age; or such conduct committed as  
55 a sexually motivated felony, where authorized pursuant to section 130.91  
56 of the penal law;

1 S 33. Subdivision 4 of section 308.1 of the family court act, as  
2 amended by chapter 264 of the laws of 2003, is amended to read as  
3 follows:

4 4. The probation service shall not adjust a case in which the child  
5 has allegedly committed a delinquent act which would be a crime defined  
6 in section 120.25, (reckless endangerment in the first degree), subdivi-  
7 sion one of section 125.15, (manslaughter in the second degree), subdivi-  
8 sion one of section 130.25, (rape in the [third] FOURTH degree),  
9 [subdivision one of section 130.40, (criminal sexual act in the third  
10 degree),] subdivision one or two of section 130.65, (sexual abuse in the  
11 first degree), section 135.65, (coercion in the first degree), section  
12 140.20, (burglary in the third degree), section 150.10, (arson in the  
13 third degree), section 160.05, (robbery in the third degree), subdivi-  
14 sion two, three or four of section 265.02, (criminal possession of a  
15 weapon in the third degree), section 265.03, (criminal possession of a  
16 weapon in the second degree), or section 265.04, (criminal possession of  
17 a dangerous weapon in the first degree) of the penal law where the child  
18 has previously had one or more adjustments of a case in which such child  
19 allegedly committed an act which would be a crime specified in this  
20 subdivision unless it has received written approval from the court and  
21 the appropriate presentment agency.

22 S 34. Subdivision (c) of section 1052 of the family court act, as  
23 added by chapter 739 of the laws of 1981, is amended to read as follows:

24 (c) Prior to granting an order of disposition pursuant to subdivision  
25 (a) of this section following an adjudication of child abuse, as defined  
26 in paragraph (i) of subdivision (e) of section ten hundred twelve of  
27 this act or a finding of a felony sex offense as defined in [sections]  
28 SUBDIVISION ONE, TWO OR THREE OF SECTION 130.25, SUBDIVISION ONE OR TWO  
29 OF SECTION 130.30, OR SECTION 130.35, [130.40, 130.45, 130.50,] OR  
30 130.65 [and 130.70] of the penal law, the court shall advise the  
31 respondent that any subsequent adjudication of child abuse, as defined  
32 in paragraph (i) of subdivision (e) of section one thousand twelve of  
33 this act or any subsequent finding of a felony sex offense as defined in  
34 those sections of the penal law herein enumerated, arising out of acts  
35 of the respondent may result in the commitment of the guardianship and  
36 custody of the child or another child pursuant to section three hundred  
37 eighty-four-b of the social services law. The order in such cases shall  
38 contain a statement that any subsequent adjudication of child abuse or  
39 finding of a felony sex offense as described herein may result in the  
40 commitment of the guardianship and custody of the child, or another  
41 child pursuant to section three hundred eighty-four-b of the social  
42 services law.

43 S 35. Subdivision 2 of section 61 of the civil rights law, as amended  
44 by section 54 of subpart B of part C of chapter 62 of the laws of 2011,  
45 is amended to read as follows:

46 2. If the petitioner stands convicted of a violent felony offense as  
47 defined in section 70.02 of the penal law or a felony defined in article  
48 one hundred twenty-five of such law or any of the following provisions  
49 of such law sections 130.25, 130.30, [130.40, 130.45,] 255.25, 255.26,  
50 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,  
51 subdivision two of section 230.30 or 230.32, and is currently confined  
52 as an inmate in any correctional facility or currently under the super-  
53 vision of the department of corrections and community supervision or a  
54 county probation department as a result of such conviction, the petition  
55 shall for each such conviction specify such felony conviction, the date

1 of such conviction or convictions, and the court in which such  
2 conviction or convictions were entered.

3 S 36. Subdivision 2 of section 62 of the civil rights law, as amended  
4 by section 55 of subpart B of part C of chapter 62 of the laws of 2011,  
5 is amended to read as follows:

6 2. If the petition be to change the name of a person currently  
7 confined as an inmate in any correctional facility or currently under  
8 the supervision of the department of corrections and community super-  
9 vision or a county probation department as a result of a conviction for  
10 a violent felony offense as defined in section 70.02 of the penal law or  
11 a felony defined in article one hundred twenty-five of such law or any  
12 of the following provisions of such law sections 130.25, 130.30,  
13 [130.40, 130.45,] 255.25, 255.26, 255.27, article two hundred sixty-  
14 three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30  
15 or 230.32, notice of the time and place when and where the petition will  
16 be presented shall be served, in like manner as a notice of a motion  
17 upon an attorney in an action, upon the district attorney of every coun-  
18 ty in which such person has been convicted of such felony and upon the  
19 court or courts in which the sentence for such felony was entered.  
20 Unless a shorter period of time is ordered by the court, said notice  
21 shall be served upon each such district attorney and court or courts not  
22 less than sixty days prior to the date on which such petition is noticed  
23 to be heard.

24 S 37. The closing paragraph of section 64 of the civil rights law, as  
25 separately amended by chapters 258, 320 and 481 of the laws of 2006, is  
26 amended to read as follows:

27 Upon compliance with the order and the filing of the affidavit of the  
28 publication, as provided in this section, the clerk of the court in  
29 which the order has been entered shall certify that the order has been  
30 complied with; and, if the petition states that the petitioner stands  
31 convicted of a violent felony offense as defined in section 70.02 of the  
32 penal law or a felony defined in article one hundred twenty-five of such  
33 law or any of the following provisions of such law sections 130.25,  
34 130.30, [130.40, 130.45,] 255.25, 255.26, 255.27, article two hundred  
35 sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section  
36 230.30 or 230.32, such clerk (1) shall deliver, by first class mail, a  
37 copy of such certified order to the division of criminal justice  
38 services at its office in the county of Albany and (2) upon the clerk of  
39 the court reviewing the petitioner's application for name change and  
40 subsequent in-court inquiry, may, in the clerk's discretion, deliver, by  
41 first class mail, the petitioner's new name with such certified order to  
42 the court of competent jurisdiction which imposed the orders of support.  
43 Such certification shall appear on the original order and on any certi-  
44 fied copy thereof and shall be entered in the clerk's minutes of the  
45 proceeding.

46 S 38. Section 213-c of the civil practice laws and rules, as added by  
47 chapter 3 of the laws of 2006, is amended to read as follows:

48 S 213-c. Action by victim of conduct constituting certain sexual  
49 offenses. Notwithstanding any other limitation set forth in this arti-  
50 cle, a civil claim or cause of action to recover from a defendant as  
51 hereinafter defined, for physical, psychological or other injury or  
52 condition suffered by a person as a result of acts by such defendant of  
53 rape in the first degree as defined in section 130.35 of the penal law,  
54 [or criminal sexual act in the first degree as defined in section 130.50  
55 of the penal law, or aggravated sexual abuse in the first degree as  
56 defined in section 130.70 of the penal law,] or course of sexual conduct

1 against a child in the first degree as defined in section 130.75 of the  
2 penal law may be brought within five years. As used in this section, the  
3 term "defendant" shall mean only a person who commits the acts described  
4 in this section or who, in a criminal proceeding, could be charged with  
5 criminal liability for the commission of such acts pursuant to section  
6 20.00 of the penal law and shall not apply to any related civil claim or  
7 cause of action arising from such acts. Nothing in this section shall be  
8 construed to require that a criminal charge be brought or a criminal  
9 conviction be obtained as a condition of bringing a civil cause of  
10 action or receiving a civil judgment pursuant to this section or be  
11 construed to require that any of the rules governing a criminal proceed-  
12 ing be applicable to any such civil action.

13 S 39. Paragraph (b) of subdivision 8 of section 215 of the civil prac-  
14 tice law and rules, as added by chapter 3 of the laws of 2006, is  
15 amended to read as follows:

16 (b) Whenever it is shown that a criminal action against the same  
17 defendant has been commenced with respect to the event or occurrence  
18 from which a claim governed by this section arises, and such criminal  
19 action is for rape in the first degree as defined in section 130.35 of  
20 the penal law, [or criminal sexual act in the first degree as defined in  
21 section 130.50 of the penal law, or aggravated sexual abuse in the first  
22 degree as defined in section 130.70 of the penal law,] or course of  
23 sexual conduct against a child in the first degree as defined in section  
24 130.75 of the penal law, the plaintiff shall have at least five years  
25 from the termination of the criminal action as defined in section 1.20  
26 of the criminal procedure law in which to commence the civil action,  
27 notwithstanding that the time in which to commence such action has  
28 already expired or has less than a year remaining.

29 S 40. Subdivision 11 of section 123 of the agriculture and markets  
30 law, as amended by chapter 392 of the laws of 2004, and such section as  
31 renumbered by section 18 of part T of chapter 59 of the laws of 2010, is  
32 amended to read as follows:

33 11. The owner shall not be liable pursuant to subdivision six, seven,  
34 eight, nine or ten of this section if the dog was coming to the aid or  
35 defense of a person during the commission or attempted commission of a  
36 murder, robbery, burglary, arson, rape in the first degree as defined in  
37 PARAGRAPH (A) OR (B) OF subdivision one [or two] of section 130.35 of  
38 the penal law[, criminal sexual act in the first degree as defined in  
39 subdivision one or two of section 130.50 of the penal law] or kidnapping  
40 within the dwelling or upon the real property of the owner of the dog  
41 and the dog injured or killed the person committing such criminal activ-  
42 ity.

43 S 41. This act shall take effect on the ninetieth day after it shall  
44 have become a law and shall apply to any offense on or after such effec-  
45 tive date. As it pertains to the repealed sections of law, nothing in  
46 this act shall affect a requirement to register pursuant to article 6-C  
47 of the correction law; a lawfully required disclosure of a conviction;  
48 any restriction or prohibition for certain types of employment, housing,  
49 or government benefit; or any other ongoing matter related to a  
50 conviction of the sections repealed in this act.