

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

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

AN ACT to amend the penal law, in relation to including in the crimes of
course of sexual conduct against a child in the first and second
degree, additional sexual acts against a child committed prior to the
child's seventeenth birthday

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

1 Section 1. Subdivisions 1 and 2 of section 130.75 of the penal law, as
2 amended by chapter 1 of the laws of 2000 and paragraphs (a) and (b) of
3 subdivision 1 as amended by chapter 264 of the laws of 2003, are amended
4 to read as follows:
5 [1.] A person is guilty of course of sexual conduct against a child in
6 the first degree when[, over a period of time not less than three months
7 in duration]:
8 [(a) he] 1. HE or she engages in two or more acts of sexual conduct[,
9 which] WITH A CHILD UNDER SEVENTEEN YEARS OLD, AND (I) THE COURSE OF
10 SEXUAL CONDUCT includes at least one act of sexual intercourse, oral
11 sexual conduct, anal sexual conduct, or aggravated sexual contact[, with
12 a child] OCCURRING WHEN SUCH CHILD IS less than eleven years old; [or]
13 AND (II) THE COURSE OF SEXUAL CONDUCT INCLUDES AT LEAST ONE ADDITIONAL
14 ACT OF SEXUAL CONDUCT OCCURRING WHEN SUCH CHILD IS LESS THAN ELEVEN
15 YEARS OLD; AND (III) THE TIME BETWEEN ANY TWO OF THE ACTS OF SEXUAL
16 CONDUCT OCCURRING WHEN SUCH CHILD IS LESS THAN ELEVEN YEARS OLD IS NINE-
17 TY DAYS OR GREATER; OR
18 [(b) he] 2. HE or she, being eighteen years old or more AT THE
19 COMMENCEMENT OF THE COURSE OF SEXUAL CONDUCT, engages in two or more
20 acts of sexual conduct[, which include] WITH A CHILD UNDER SEVENTEEN
21 YEARS OLD, AND (I) THE COURSE OF SEXUAL CONDUCT INCLUDES at least one
22 act of sexual intercourse, oral sexual conduct, anal sexual conduct, or

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

LBD00549-01-5

1 aggravated sexual contact[, with a] OCCURRING WHEN SUCH child IS less
2 than thirteen years old; AND (II) THE COURSE OF SEXUAL CONDUCT INCLUDES
3 AT LEAST ONE ADDITIONAL ACT OF SEXUAL CONDUCT WITH THE CHILD OCCURRING
4 WHEN SUCH CHILD IS LESS THAN THIRTEEN YEARS OLD; AND (III) THE TIME
5 BETWEEN ANY TWO OF THE ACTS OF SEXUAL CONDUCT OCCURRING WHEN SUCH CHILD
6 IS UNDER THIRTEEN YEARS OLD IS NINETY DAYS OR GREATER.

7 [2.] 3. A person may not be subsequently prosecuted for any other
8 sexual offense involving the same victim unless the other charged
9 offense occurred outside the time period charged under this section.

10 S 2. Subdivisions 1 and 2 of section 130.80 of the penal law, as
11 amended by chapter 1 of the laws of 2000, are amended to read as
12 follows:

13 [1.] A person is guilty of course of sexual conduct against a child in
14 the second degree when[, over a period of time not less than three
15 months in duration]:

16 [(a) he] 1. HE or she engages in two or more acts of sexual conduct
17 with a child UNDER SEVENTEEN YEARS OLD, AND (I) THE COURSE OF SEXUAL
18 CONDUCT INCLUDES AT LEAST TWO ACTS OF SEXUAL CONDUCT OCCURRING WHEN SUCH
19 CHILD IS less than eleven years old; AND (II) THE TIME BETWEEN ANY TWO
20 OF THE ACTS OF SEXUAL CONDUCT OCCURRING WHEN SUCH CHILD IS LESS THAN
21 ELEVEN YEARS OLD IS NINETY DAYS OR GREATER; or

22 [(b) he] 2. HE or she, being eighteen years old or more AT THE
23 COMMENCEMENT OF THE COURSE OF SEXUAL CONDUCT, engages in two or more
24 acts of sexual conduct with a child less than [thirteen years old]
25 SEVENTEEN YEARS OLD, AND (I) THE COURSE OF SEXUAL CONDUCT INCLUDES AT
26 LEAST TWO ACTS OF SEXUAL CONDUCT OCCURRING WHEN SUCH CHILD IS LESS THAN
27 THIRTEEN YEARS OLD; AND (II) THE TIME BETWEEN ANY TWO OF THE ACTS OCCUR-
28 RING WHEN SUCH CHILD IS LESS THAN THIRTEEN YEARS OLD IS NINETY DAYS OR
29 GREATER.

30 [2.] 3. A person may not be subsequently prosecuted for any other
31 sexual offense involving the same victim unless the other charged
32 offense occurred outside the time period charged under this section.

33 S 3. This act shall take effect on the one hundred twentieth day after
34 it shall have become a law.