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

48

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 2 of section 130.75 of the penal law, as amended by chapter 1 of the laws of 2000 and paragraphs (a) and (b) of subdivision 1 as amended by chapter 264 of the laws of 2003, are amended to read as follows:

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

[(a) he] 1. HE or she engages in two or more acts of sexual conduct[, which] WITH A CHILD UNDER SEVENTEEN YEARS OLD, AND (I) THE COURSE OF SEXUAL CONDUCT includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact[, with a child] OCCURRING WHEN SUCH CHILD IS less than eleven years old; [or] AND (II) THE COURSE OF SEXUAL CONDUCT INCLUDES AT LEAST ONE ADDITIONAL ACT OF SEXUAL CONDUCT OCCURRING WHEN SUCH CHILD IS LESS THAN ELEVEN YEARS OLD; AND (III) THE TIME BETWEEN ANY TWO OF THE ACTS OF SEXUAL CONDUCT OCCURRING WHEN SUCH CHILD IS LESS THAN ELEVEN YEARS OLD IS NINETY DAYS OR GREATER; OR

[(b) he] 2. HE or she, being eighteen years old or more AT THE COMMENCEMENT OF THE COURSE OF SEXUAL CONDUCT, engages in two or more acts of sexual conduct[, which include] WITH A CHILD UNDER SEVENTEEN YEARS OLD, AND (I) THE COURSE OF SEXUAL CONDUCT INCLUDES at least one 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.

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

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

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

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

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

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

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

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