

STATE OF NEW YORK

3418

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

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

AN ACT to amend the criminal procedure law, in relation to eliminating the statute of limitations for class B violent felonies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 2 of section 30.10 of the
2 criminal procedure law, as amended by chapter 467 of the laws of 2008,
3 is amended to read as follows:

4 (a) A prosecution for a class A felony[~~, or rape in the first degree~~
5 ~~as defined in section 130.35 of the penal law, or a crime defined or~~
6 ~~formerly defined in section 130.50 of the penal law, or aggravated sexu-~~
7 ~~al abuse in the first degree as defined in section 130.70 of the penal~~
8 ~~law, or course of sexual conduct against a child in the first degree as~~
9 ~~defined in section 130.75 of the penal law]~~ or a class B violent felony
10 may be commenced at any time;

11 § 2. Paragraph (f) of subdivision 3 of section 30.10 of the criminal
12 procedure law, as separately amended by chapters 3 and 320 of the laws
13 of 2006, is amended to read as follows:

14 (f) For purposes of a prosecution involving a sexual offense as
15 defined in article one hundred thirty of the penal law, other than [~~a~~
16 ~~sexual~~] an offense delineated in paragraph (a) of subdivision two of
17 this section, committed against a child less than eighteen years of age,
18 incest in the [~~first,~~] second or third degree as defined in sections
19 [~~255-27,~~] 255.26 and 255.25 of the penal law committed against a child
20 less than eighteen years of age, or use of a child in a sexual perform-
21 ance as defined in section 263.05 of the penal law, the period of limi-
22 tation shall not begin to run until the child has reached the age of
23 eighteen or the offense is reported to a law enforcement agency or
24 statewide central register of child abuse and maltreatment, whichever
25 occurs earlier.

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

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1 § 3. This act shall take effect immediately and shall apply to
2 offenses committed on and after such date as well as to offenses commit-
3 ted prior thereto, provided that this act shall not apply to offenses
4 committed prior to such date on which the prosecution thereof was barred
5 under the provisions of section 30.10 of the criminal procedure law in
6 effect immediately prior to such date.