STATE OF NEW YORK

2570

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

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 aggravated sexual contact[~~, with a~~] **occurring when such** child **is** less

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

LBD06157-01-7

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.

§ 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.

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