

# STATE OF NEW YORK

8745

2019-2020 Regular Sessions

## IN ASSEMBLY

November 25, 2019

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

AN ACT to amend the criminal procedure law, in relation to removing  
statute of limitations for certain child sexual assault crimes; and to  
repeal paragraph (e) of subdivision 3 of section 30.10 of such law  
relating thereto

The People of the State of New York, represented in Senate and Assem-  
bly, 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 315 of the laws of 2019,  
3 is amended to read as follows:

4 (a) A prosecution for a class A felony, or rape in the third degree as  
5 defined in subdivision two of section 130.25 of the penal law, or rape  
6 in the second degree as defined in subdivision one of section 130.30 of  
7 the penal law, or rape in the first degree as defined in section 130.35  
8 of the penal law, or criminal sexual act in the third degree as defined  
9 in subdivision two of section 130.40 of the penal law, or criminal sexu-  
10 al act in the second degree as defined in subdivision one of section  
11 130.45 of the penal law, or a crime defined or formerly defined in  
12 section 130.50 of the penal law, or sexual abuse in the second degree as  
13 defined in subdivision two of section 130.60 of the penal law, or sexual  
14 abuse in the first degree as defined in subdivisions three and four of  
15 section 130.65 of the penal law, or aggravated sexual abuse in the  
16 fourth degree as defined in paragraph (a) of subdivision one of section  
17 130.65-a of the penal law, or aggravated sexual abuse in the third  
18 degree as defined in paragraph (c) of subdivision one of section 130.66  
19 of the penal law, or aggravated sexual abuse in the second degree as  
20 defined in paragraph (c) of subdivision one of section 130.67 of the  
21 penal law, or aggravated sexual abuse in the first degree as defined in  
22 section 130.70 of the penal law, or course of sexual conduct against a  
23 child in the first degree as defined in section 130.75 of the penal law,

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

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1 or course of sexual conduct against a child in the second degree as  
2 defined in section 130.80 of the penal law, or predatory sexual assault  
3 against a child as defined in section 130.96 of the penal law, or incest  
4 in the first degree as defined in section 255.27 of the penal law, or  
5 use of a child in a sexual performance as defined in section 263.05 of  
6 the penal law, may be commenced at any time;

7 § 2. Paragraph (f) of subdivision 3 of section 30.10 of the criminal  
8 procedure law, as amended by chapter 11 of the laws of 2019, is amended  
9 to read as follows:

10 (f) [~~For purposes of a prosecution involving a sexual offense as~~  
11 ~~defined in article one hundred thirty of the penal law, other than a~~  
12 ~~sexual offense delineated in paragraph (a) of subdivision two of this~~  
13 ~~section, committed against a child less than eighteen years of age,] A  
14 prosecution for incest in the first, second or third degree as defined  
15 in sections 255.27, 255.26 and 255.25 of the penal law committed against  
16 a child less than eighteen years of age[~~, or use of a child in a sexual~~  
17 ~~performance as defined in section 263.05 of the penal law,~~] the period  
18 of limitation shall not begin to run until the child has reached the age  
19 of twenty-three or the offense is reported to a law enforcement agency  
20 or statewide central register of child abuse and maltreatment, whichever  
21 occurs earlier.~~

22 § 3. Paragraph (e) of subdivision 3 of section 30.10 of the criminal  
23 procedure law is REPEALED.

24 § 4. This act shall take effect immediately.