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 Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 2 of section 30.10 of the criminal procedure law, as amended by chapter 315 of the laws of 2019, is amended to read as follows:

(a) A prosecution for a class A felony, or **rape in the third degree as defined in subdivision two of section 130.25 of the penal law, or rape in the second degree as defined in subdivision one of section 130.30 of the penal law, or** rape in the first degree as defined in section 130.35 of the penal law, **or criminal sexual act in the third degree as defined in subdivision two of section 130.40 of the penal law, or criminal sexual act in the second degree as defined in subdivision one of section 130.45 of the penal law,** or a crime defined or formerly defined in section 130.50 of the penal law, **or sexual abuse in the second degree as defined in subdivision two of section 130.60 of the penal law, or sexual abuse in the first degree as defined in subdivisions three and four of section 130.65 of the penal law, or aggravated sexual abuse in the fourth degree as defined in paragraph (a) of subdivision one of section 130.65-a of the penal law, or aggravated sexual abuse in the third degree as defined in paragraph (c) of subdivision one of section 130.66 of the penal law, or aggravated sexual abuse in the second degree as defined in paragraph (c) of subdivision one of section 130.67 of the penal law,** or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a 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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or course of sexual conduct against a child in the second degree as defined in section 130.80 of the penal law, or predatory sexual assault against a child as defined in section 130.96 of the penal law, or incest in the first degree as defined in section 255.27 of the penal law, or use of a child in a sexual performance as defined in section 263.05 of the penal law, may be commenced at any time;

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

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

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

§ 4. This act shall take effect immediately.