

STATE OF NEW YORK

8279

IN SENATE

May 1, 2020

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, the criminal procedure law, the correction law, the social services law, the vehicle and traffic law, the family court act, the civil rights law, the civil practice law and rules, the agriculture and markets law, the judiciary law and the domestic relations law, in relation to sex offenses; and to repeal certain provisions of the penal law relating thereto

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

Section 1. Sections 130.40, 130.45 and 130.50 of the penal law are REPEALED.

§ 2. Subdivisions 1 and 2 of section 130.00 of the penal law, subdivision 2 as amended by chapter 264 of the laws of 2003, are amended to read as follows:

1. "[~~Sexual intercourse~~] Vaginal sexual contact" [~~has its ordinary meaning and occurs upon any penetration, however slight~~] means conduct between persons consisting of contact between the penis and the vagina or vulva.

2. (a) "Oral sexual [~~conduct~~] contact" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.

(b) "Anal sexual [~~conduct~~] contact" means conduct between persons consisting of contact between the penis and anus.

§ 3. Section 130.25 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.25 Rape in the third degree.

A person is guilty of rape in the third degree when:

1. He or she engages in [~~sexual intercourse~~] vaginal sexual contact with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

2. He or she engages in oral sexual contact with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

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

LBD01481-12-0

1 3. He or she engages in anal sexual contact with another person who is
2 incapable of consent by reason of some other factor other than being
3 less than seventeen years old;

4 4. Being twenty-one years old or more, he or she engages in [~~sexual~~
5 ~~intercourse~~] vaginal sexual contact with another person less than seven-
6 teen years old; [~~or~~

7 3-] 5. Being twenty-one years old or more, he or she engages in oral
8 sexual contact with another person less than seventeen years old;

9 6. Being twenty-one years old or more, he or she engages in anal sexu-
10 al contact with another person less than seventeen years old;

11 7. He or she engages in [~~sexual-intercourse~~] vaginal sexual contact
12 with another person without such person's consent where such lack of
13 consent is by reason of some factor other than incapacity to consent[~~-~~];

14 8. He or she engages in oral sexual contact with another person with-
15 out such person's consent where such lack of consent is by reason of
16 some factor other than incapacity to consent; or

17 9. He or she engages in anal sexual contact with another person with-
18 out such person's consent where such lack of consent is by reason of
19 some factor other than the incapacity to consent.

20 Rape in the third degree is a class E felony.

21 § 4. Section 130.30 of the penal law, as amended by chapter 1 of the
22 laws of 2000, is amended to read as follows:

23 § 130.30 Rape in the second degree.

24 A person is guilty of rape in the second degree when:

25 1. being eighteen years old or more, he or she engages in [~~sexual~~
26 ~~intercourse~~] vaginal sexual contact with another person less than
27 fifteen years old; [~~or~~

28 2. being eighteen years old or more, he or she engages in oral sexual
29 contact with another person less than fifteen years old;

30 3. being eighteen years old or more, he or she engages in anal sexual
31 contact with another person less than fifteen years old;

32 4. he or she engages in [~~sexual-intercourse~~] vaginal sexual contact
33 with another person who is incapable of consent by reason of being
34 mentally disabled or mentally incapacitated[~~-~~];

35 5. he or she engages in oral sexual contact with another person who is
36 incapable of consent by reason of being mentally disabled or mentally
37 incapacitated; or

38 6. he or she engages in anal sexual contact with another person who is
39 incapable of consent by reason of being mentally disabled or mentally
40 incapacitated.

41 It shall be an affirmative defense to the crime of rape in the second
42 degree as defined in [~~subdivision~~] subdivisions one, two and three of
43 this section that the defendant was less than four years older than the
44 victim at the time of the act.

45 Rape in the second degree is a class D felony.

46 § 5. Section 130.35 of the penal law, as amended by chapter 1 of the
47 laws of 2000, is amended to read as follows:

48 § 130.35 Rape in the first degree.

49 A person is guilty of rape in the first degree when:

50 1. he or she engages in [~~sexual-intercourse~~] vaginal sexual contact
51 with another person:

52 [~~1-~~] (a) By forcible compulsion; or

53 [~~2-~~] (b) Who is incapable of consent by reason of being physically
54 helpless; or

55 [~~3-~~] (c) Who is less than eleven years old; or

[4-] (d) Who is less than thirteen years old and the actor is eighteen years old or more[-];

2. he or she engages in oral sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

(c) Who is less than eleven years old; or

(d) Who is less than thirteen years old and the actor is eighteen years old or more; or

3. he or she engages in anal sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

(c) Who is less than eleven years old; or

(d) Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

§ 6. Paragraph 2 of subdivision 18 of section 10.00 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); ~~[subdivisions one and paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two, and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); [subdivisions one and two of section 130.50 (criminal sexual act in the first degree);]~~ 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of ~~[the penal law]~~ this chapter.

§ 7. Subdivision 2 of section 30.00 of the penal law, as amended by section 38 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

2. A person thirteen, fourteen or, fifteen years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of this chapter; and a person fourteen or, fifteen years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10

(assault in the first degree); 125.20 (manslaughter in the first degree); ~~[subdivisions one and~~ paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of this chapter.

§ 8. Paragraph (b) of subdivision 2 of section 35.15 of the penal law, as amended by chapter 511 of the laws of 2004, is amended to read as follows:

(b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, ~~[forcible criminal sexual act]~~ forcible aggravated sexual abuse, or robbery; or

§ 9. Paragraph (c) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 134 of the laws of 2019, is amended to read as follows:

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, ~~[criminal sexual act in the second degree as defined in section 130.45,~~ sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18, and criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50.

§ 10. Paragraph b of subdivision 5 of section 120.40 of the penal law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

b. a crime defined in section 130.20, 130.25, 130.30, ~~[130.40, 130.45]~~ 130.55, 130.60, 130.70, 255.25, 255.26 or 255.27;

§ 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivision 3 as amended by section 2 of part G of chapter 501 of the laws of 2012, are amended to read as follows:

(d) Where the offense charged is rape in the third degree as defined in ~~[subdivision three]~~ subdivision seven, eight or nine of section 130.25, ~~[or criminal sexual act in the third degree as defined in subdivision three of section 130.40]~~, in addition to forcible vaginal sexual contact compulsion, circumstances under which, at the time of the act of intercourse, oral sexual ~~[conduct]~~ contact or anal sexual ~~[conduct]~~ contact, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, ~~[criminal sexual act in the third degree as defined in section 130.40]~~, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

§ 12. The opening paragraph of subdivision 3 of section 125.25 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

Acting either alone or with one or more other persons, he commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, ~~[criminal sexual act in the first degree]~~, sexual abuse in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

§ 13. Subdivision 5 of section 125.25 of the penal law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

5. Being eighteen years old or more, while in the course of committing rape in the first, second or third degree, ~~[criminal sexual act in the first, second or third degree]~~, sexual abuse in the first degree, aggravated sexual abuse in the first, second, third or fourth degree, or incest in the first, second or third degree, against a person less than fourteen years old, he or she intentionally causes the death of such person.

§ 14. Subparagraph (vii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(vii) the victim was killed while the defendant was in the course of committing or attempting to commit and in furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, rape in the first

1 degree, [~~criminal sexual act in the first degree,~~] sexual abuse in the
2 first degree, aggravated sexual abuse in the first degree or escape in
3 the first degree, or in the course of and furtherance of immediate
4 flight after committing or attempting to commit any such crime or in the
5 course of and furtherance of immediate flight after attempting to commit
6 the crime of murder in the second degree; provided however, the victim
7 is not a participant in one of the aforementioned crimes and, provided
8 further that, unless the defendant's criminal liability under this
9 subparagraph is based upon the defendant having commanded another person
10 to cause the death of the victim or intended victim pursuant to section
11 20.00 of this chapter, this subparagraph shall not apply where the
12 defendant's criminal liability is based upon the conduct of another
13 pursuant to section 20.00 of this chapter; or

14 § 15. Subdivision 3 of section 130.10 of the penal law, as amended by
15 chapter 264 of the laws of 2003, is amended to read as follows:

16 3. In any prosecution for the crime of rape in the third degree as
17 defined in section 130.25, [~~criminal sexual act in the third degree as~~
18 ~~defined in section 130.40,~~] aggravated sexual abuse in the fourth degree
19 as defined in section 130.65-a, or sexual abuse in the third degree as
20 defined in section 130.55 in which incapacity to consent is based on the
21 circumstances set forth in paragraph (h) of subdivision three of section
22 130.05 of this article it shall be an affirmative defense that the
23 client or patient consented to such conduct charged after having been
24 expressly advised by the health care or mental health care provider that
25 such conduct was not performed for a valid medical purpose.

26 § 16. The opening paragraph and subdivision 2 of section 130.95 of the
27 penal law, as added by chapter 107 of the laws of 2006, are amended to
28 read as follows:

29 A person is guilty of predatory sexual assault when he or she commits
30 the crime of rape in the first degree, [~~criminal sexual act in the first~~
31 ~~degree,~~] aggravated sexual abuse in the first degree, or course of sexu-
32 al conduct against a child in the first degree, as defined in this arti-
33 cle, and when:

34 2. He or she has engaged in conduct constituting the crime of rape in
35 the first degree, [~~criminal sexual act in the first degree,~~] aggravated
36 sexual abuse in the first degree, or course of sexual conduct against a
37 child in the first degree, as defined in this article, against one or
38 more additional persons; or

39 § 17. The opening paragraph of section 130.96 of the penal law, as
40 added by chapter 107 of the laws of 2006, is amended to read as follows:

41 A person is guilty of predatory sexual assault against a child when,
42 being eighteen years old or more, he or she commits the crime of rape in
43 the first degree, [~~criminal sexual act in the first degree,~~] aggravated
44 sexual abuse in the first degree, or course of sexual conduct against a
45 child in the first degree, as defined in this article, and the victim is
46 less than thirteen years old.

47 § 18. Subdivision 2 of section 240.75 of the penal law, as amended by
48 section 8 of part NN of chapter 55 of the laws of 2018, is amended to
49 read as follows:

50 2. A "specified offense" is an offense defined in section 120.00
51 (assault in the third degree); section 120.05 (assault in the second
52 degree); section 120.10 (assault in the first degree); section 120.13
53 (menacing in the first degree); section 120.14 (menacing in the second
54 degree); section 120.15 (menacing in the third degree); section 120.20
55 (reckless endangerment in the second degree); section 120.25 (reckless
56 endangerment in the first degree); section 120.45 (stalking in the

fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree); section 130.50 (criminal sexual act in the first degree); section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 130.91 (sexually motivated felony); section 130.95 (predatory sexual assault); section 130.96 (predatory sexual assault against a child); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 145.14 (criminal tampering in the third degree); section 215.50 (criminal contempt in the second degree); section 215.51 (criminal contempt in the first degree); section 215.52 (aggravated criminal contempt); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); aggravated family offense as defined in this section or any attempt or conspiracy to commit any of the foregoing offenses where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law.

§ 19. Section 255.26 of the penal law, as added by chapter 320 of the laws of 2006, is amended to read as follows:

§ 255.26 Incest in the second degree.

A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, as defined in section 130.30 of this part, ~~[or criminal sexual act in the second degree, as defined in section 130.45 of this part,~~ against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the second degree is a class D felony.

§ 20. Section 255.27 of the penal law, as added by chapter 320 of the laws of 2006, is amended to read as follows:

§ 255.27 Incest in the first degree.

A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, as defined in paragraph

1 (c) or (d) of subdivision [~~three or four~~] one, paragraph (c) or (d) of
2 subdivision two or paragraph (c) or (d) of subdivision three of section
3 130.35 of this part[, ~~or criminal sexual act in the first degree, as~~
4 ~~defined in subdivision three or four of section 130.50 of this part,~~]

5 against a person whom he or she knows to be related to him or her,
6 whether through marriage or not, as an ancestor, descendant, brother or
7 sister of either the whole or half blood, uncle, aunt, nephew or niece.

8 Incest in the first degree is a class B felony.

9 § 21. Subdivision 3 of section 485.05 of the penal law, as amended by
10 section 3 of part R of chapter 55 of the laws of 2020, is amended to
11 read as follows:

12 3. A "specified offense" is an offense defined by any of the following
13 provisions of this chapter: section 120.00 (assault in the third
14 degree); section 120.05 (assault in the second degree); section 120.10
15 (assault in the first degree); section 120.12 (aggravated assault upon a
16 person less than eleven years old); section 120.13 (menacing in the
17 first degree); section 120.14 (menacing in the second degree); section
18 120.15 (menacing in the third degree); section 120.20 (reckless endan-
19 germent in the second degree); section 120.25 (reckless endangerment in
20 the first degree); section 121.12 (strangulation in the second degree);
21 section 121.13 (strangulation in the first degree); subdivision one of
22 section 125.15 (manslaughter in the second degree); subdivision one, two
23 or four of section 125.20 (manslaughter in the first degree); section
24 125.25 (murder in the second degree); section 120.45 (stalking in the
25 fourth degree); section 120.50 (stalking in the third degree); section
26 120.55 (stalking in the second degree); section 120.60 (stalking in the
27 first degree); paragraph (a) of subdivision one, paragraph (a) of subdi-
28 vision two and paragraph (a) of subdivision three of section 130.35
29 (rape in the first degree); subdivision one of section 130.50 (criminal
30 sexual act in the first degree); subdivision one of section 130.65
31 (sexual abuse in the first degree); paragraph (a) of subdivision one of
32 section 130.67 (aggravated sexual abuse in the second degree); paragraph
33 (a) of subdivision one of section 130.70 (aggravated sexual abuse in the
34 first degree); section 135.05 (unlawful imprisonment in the second
35 degree); section 135.10 (unlawful imprisonment in the first degree);
36 section 135.20 (kidnapping in the second degree); section 135.25
37 (kidnapping in the first degree); section 135.60 (coercion in the third
38 degree); section 135.61 (coercion in the second degree); section 135.65
39 (coercion in the first degree); section 140.10 (criminal trespass in the
40 third degree); section 140.15 (criminal trespass in the second degree);
41 section 140.17 (criminal trespass in the first degree); section 140.20
42 (burglary in the third degree); section 140.25 (burglary in the second
43 degree); section 140.30 (burglary in the first degree); section 145.00
44 (criminal mischief in the fourth degree); section 145.05 (criminal
45 mischief in the third degree); section 145.10 (criminal mischief in the
46 second degree); section 145.12 (criminal mischief in the first degree);
47 section 150.05 (arson in the fourth degree); section 150.10 (arson in
48 the third degree); section 150.15 (arson in the second degree); section
49 150.20 (arson in the first degree); section 155.25 (petit larceny);
50 section 155.30 (grand larceny in the fourth degree); section 155.35
51 (grand larceny in the third degree); section 155.40 (grand larceny in
52 the second degree); section 155.42 (grand larceny in the first degree);
53 section 160.05 (robbery in the third degree); section 160.10 (robbery in
54 the second degree); section 160.15 (robbery in the first degree);
55 section 240.25 (harassment in the first degree); subdivision one, two or
56 four of section 240.30 (aggravated harassment in the second degree);

1 section 490.10 (soliciting or providing support for an act of terrorism
2 in the second degree); section 490.15 (soliciting or providing support
3 for an act of terrorism in the first degree); section 490.20 (making a
4 terroristic threat); section 490.25 (crime of terrorism); section 490.30
5 (hindering prosecution of terrorism in the second degree); section
6 490.35 (hindering prosecution of terrorism in the first degree); section
7 490.37 (criminal possession of a chemical weapon or biological weapon in
8 the third degree); section 490.40 (criminal possession of a chemical
9 weapon or biological weapon in the second degree); section 490.45 (criminal
10 possession of a chemical weapon or biological weapon in the first
11 degree); section 490.47 (criminal use of a chemical weapon or biological
12 weapon in the third degree); section 490.50 (criminal use of a chemical
13 weapon or biological weapon in the second degree); section 490.55 (criminal
14 use of a chemical weapon or biological weapon in the first degree);
15 or any attempt or conspiracy to commit any of the foregoing offenses.

16 § 22. Subdivision 42 of section 1.20 of the criminal procedure law, as
17 amended by chapter 7 of the laws of 2007, is amended to read as follows:

18 42. "Juvenile offender" means (1) a person, thirteen years old who is
19 criminally responsible for acts constituting murder in the second degree
20 as defined in subdivisions one and two of section 125.25 of the penal
21 law, or such conduct as a sexually motivated felony, where authorized
22 pursuant to section 130.91 of the penal law; and (2) a person fourteen
23 or fifteen years old who is criminally responsible for acts constituting
24 the crimes defined in subdivisions one and two of section 125.25 (murder
25 in the second degree) and in subdivision three of such section provided
26 that the underlying crime for the murder charge is one for which such
27 person is criminally responsible; section 135.25 (kidnapping in the
28 first degree); 150.20 (arson in the first degree); subdivisions one and
29 two of section 120.10 (assault in the first degree); 125.20 (manslaughter
30 in the first degree); [~~subdivisions one and~~ paragraphs (a) and (b)
31 of subdivision one, paragraphs (a) and (b) of subdivision two and para-
32 graphs (a) and (b) of subdivision three of section 130.35 (rape in the
33 first degree); [~~subdivisions one and two of section 130.50 (criminal~~
34 ~~sexual act in the first degree),~~ 130.70 (aggravated sexual abuse in the
35 first degree); 140.30 (burglary in the first degree); subdivision one of
36 section 140.25 (burglary in the second degree); 150.15 (arson in the
37 second degree); 160.15 (robbery in the first degree); subdivision two of
38 section 160.10 (robbery in the second degree) of the penal law; or
39 section 265.03 of the penal law, where such machine gun or such firearm
40 is possessed on school grounds, as that phrase is defined in subdivision
41 fourteen of section 220.00 of the penal law; or defined in the penal law
42 as an attempt to commit murder in the second degree or kidnapping in the
43 first degree, or such conduct as a sexually motivated felony, where
44 authorized pursuant to section 130.91 of the penal law.

45 § 23. Paragraphs (a) and (b) of subdivision 1, the opening paragraph
46 of subdivision 2 and paragraph (a) of subdivision 3 of section 140.20 of
47 the criminal procedure law, paragraphs (a) and (b) of subdivision 1 as
48 amended by chapter 324 of the laws of 1988, the opening paragraph of
49 subdivision 2 and paragraph (a) of subdivision 3 as amended by chapter
50 550 of the laws of 1987, are amended to read as follows:

51 (a) If the arrest is for an offense other than a class A, B, C or D
52 felony or a violation of section 130.25, [~~130.40,~~ 205.10, 205.17,
53 205.19 or 215.56 of the penal law committed in a town, but not in a
54 village thereof having a village court, and the town court of such town
55 is not available at the time, the arrested person may be brought before
56 the local criminal court of any village within such town or, any adjoin-

ing town, village embraced in whole or in part by such adjoining town, or city of the same county; and

(b) If the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law committed in a village having a village court and such court is not available at the time, the arrested person may be brought before the town court of the town embracing such village or any other village court within such town, or, if such town or village court is not available either, before the local criminal court of any adjoining town, village embraced in whole or in part by such adjoining town, or city of the same county; and

If the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, the arrested person need not be brought before a local criminal court as provided in subdivision one, and the procedure may instead be as follows:

(a) the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, and

§ 24. Paragraph (a) of subdivision 3 and the opening paragraph of subdivision 4 of section 140.27 of the criminal procedure law, as amended by chapter 550 of the laws of 1987, are amended to read as follows:

(a) the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law and

If the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, the arrested person need not be brought before a local criminal court as provided in subdivision two, and the procedure may instead be as follows:

§ 25. Paragraph (a) of subdivision 2 and the opening paragraph of subdivision 3 of section 140.40 of the criminal procedure law, as amended by chapter 550 of the laws of 1987, are amended to read as follows:

(a) the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law and

If the arrest is for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, the arrested person need not be brought before a local criminal court, as provided in subdivision one, and the procedure may instead be as follows:

§ 26. Paragraph (a) of subdivision 1 of section 150.20 of the criminal procedure law, as amended by section 1-a of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

(a) Whenever a police officer is authorized pursuant to section 140.10 of this title to arrest a person without a warrant for an offense other than a class A, B, C or D felony or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, he shall, except as set out in paragraph (b) of this subdivision, subject to the provisions of subdivisions three and four of section 150.40 of this title, instead issue to and serve upon such person an appearance ticket.

§ 27. Subdivision (a) of section 190.71 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen or fifteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); ~~[subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree);]~~ paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); ~~[subdivisions one and two of section 130.50 (criminal sexual act in the first degree);]~~ 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; ~~[subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law,]~~ or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

§ 28. Subdivision 4 of section 722.20 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

4. Notwithstanding the provisions of subdivisions two and three of this section, the court shall, at the request of the district attorney, order removal of an action against a juvenile offender to the family court pursuant to the provisions of article seven hundred twenty-five of this title if, upon consideration of the criteria specified in subdivision two of section 722.22 of this article, it is determined that to do so would be in the interests of justice. Where, however, the felony complaint charges the juvenile offender with murder in the second degree as defined in section 125.25 of the penal law, rape in the first degree as defined in paragraph (a) of subdivision one, paragraph (a) of subdivision two and paragraph (a) of subdivision three of section 130.35 of the penal law, ~~[criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law,]~~ or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, a determination that such action be removed to the family court shall, in addition, be based upon a finding of one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the crime.

§ 29. Subdivision 5 of section 722.21 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

5. Notwithstanding subdivisions two and three of this section, at the request of the district attorney, the court shall order removal of an action against an adolescent offender charged with an offense listed in paragraph (a) of subdivision two of section 722.23 of this article, to the family court pursuant to the provisions of article seven hundred twenty-five of this title and upon consideration of the criteria specified in subdivision two of section 722.22 of this article, it is determined that to do so would be in the interests of justice. Where, however, the felony complaint charges the adolescent offender with murder in the second degree as defined in section 125.25 of the penal law, rape in the first degree as defined in paragraph (a) of subdivision one, paragraph (a) of subdivision two and paragraph (a) of subdivision three of section 130.35 of the penal law, [~~criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law,~~] or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, a determination that such action be removed to the family court shall, in addition, be based upon a finding of one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the crime.

§ 30. Paragraph (b) of subdivision 1 of section 722.22 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

(b) with the consent of the district attorney, order removal of an action involving an indictment charging a juvenile offender with murder in the second degree as defined in section 125.25 of the penal law; rape in the first degree, as defined in paragraph (a) of subdivision one, paragraph (a) of subdivision two and paragraph (a) of subdivision three of section 130.35 of the penal law[~~; criminal sexual act in the first degree, as defined in subdivision one of section 130.50 of the penal law~~]; or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, to the family court pursuant to the provisions of article seven hundred twenty-five of this title if the court finds one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in the proof of the crime, and, after consideration of the factors set forth in subdivision two of this section, the court determined that removal of the action to the family court would be in the interests of justice.

§ 31. Subparagraph (iii) of paragraph (g) of subdivision 5 of section 220.10 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(iii) Where the indictment does not charge a crime specified in subparagraph (i) of this paragraph, the district attorney may recommend removal of the action to the family court. Upon making such recommendation the district attorney shall submit a subscribed memorandum setting forth: (1) a recommendation that the interests of justice would best be

1 served by removal of the action to the family court; and (2) if the
2 indictment charges a thirteen year old with the crime of murder in the
3 second degree, or a fourteen or fifteen year old with the crimes of rape
4 in the first degree as defined in paragraph (a) of subdivision one,
5 paragraph (a) of subdivision two and paragraph (a) of subdivision three
6 of section 130.35 of the penal law, [~~or criminal sexual act in the first~~
7 ~~degree as defined in subdivision one of section 130.50 of the penal~~
8 ~~law,~~] or an armed felony as defined in paragraph (a) of subdivision
9 forty-one of section 1.20 of this chapter specific factors, one or more
10 of which reasonably supports the recommendation, showing, (i) mitigating
11 circumstances that bear directly upon the manner in which the crime was
12 committed, or (ii) where the defendant was not the sole participant in
13 the crime, that the defendant's participation was relatively minor
14 although not so minor as to constitute a defense to the prosecution, or
15 (iii) possible deficiencies in proof of the crime, or (iv) where the
16 juvenile offender has no previous adjudications of having committed a
17 designated felony act, as defined in subdivision eight of section 301.2
18 of the family court act, regardless of the age of the offender at the
19 time of commission of the act, that the criminal act was not part of a
20 pattern of criminal behavior and, in view of the history of the offen-
21 der, is not likely to be repeated.

22 § 32. Subdivision 6 of section 300.50 of the criminal procedure law,
23 as amended by chapter 264 of the laws of 2003, is amended to read as
24 follows:

25 6. For purposes of this section, the offenses of rape in the third
26 degree as defined in [~~subdivision three~~ subdivisions seven, eight and
27 nine of section 130.25 of the penal law [~~and criminal sexual act in the~~
28 ~~third degree as defined in subdivision three of section 130.40 of the~~
29 ~~penal law~~], are not lesser included offenses of rape in the first
30 degree[, ~~criminal sexual act in the first degree~~] or any other offense.
31 Notwithstanding the foregoing, [~~either~~ any] such offense may be submit-
32 ted as a lesser included offense of the applicable first degree offense
33 when (i) there is a reasonable view of the evidence which would support
34 a finding that the defendant committed such lesser offense but did not
35 commit the greater offense, and (ii) both parties consent to its
36 submission.

37 § 32-a. Subdivision 6 of section 380.50 of the criminal procedure law,
38 as separately amended by chapters 368 and 394 of the laws of 2015, is
39 amended to read as follows:

40 6. Regardless of whether the victim requests to make a statement with
41 regard to the defendant's sentence, where the defendant is sentenced for
42 a violent felony offense as defined in section 70.02 of the penal law or
43 a felony defined in article one hundred twenty-five of such law or any
44 of the following provisions of such law sections 130.25, 130.30,
45 [~~130.40, 130.45,~~] 255.25, 255.26, 255.27, article two hundred sixty-
46 three, 135.10, 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivi-
47 sion two of section 230.30 or 230.32, the prosecutor shall, within sixty
48 days of the imposition of sentence, provide the victim with a form,
49 prepared and distributed by the commissioner of the division of criminal
50 justice services, in consultation with the director of the office of
51 victim services, on which the victim may indicate a demand to be
52 informed of any petition to change the name of such defendant. Such
53 forms shall be maintained by such prosecutor. Upon receipt of a notice
54 of a petition to change the name of any such defendant, pursuant to
55 subdivision two of section sixty-two of the civil rights law, the prose-
56 cutor shall promptly notify the victim at the most current address or

1 telephone number provided by such victim in the most reasonable and
2 expedient possible manner of the time and place such petition will be
3 presented to the court.

4 § 33. Paragraph (b) of subdivision 8 of section 700.05 of the crimi-
5 nal procedure law, as amended by chapter 134 of the laws of 2019, is
6 amended to read as follows:

7 (b) Any of the following felonies: assault in the second degree as
8 defined in section 120.05 of the penal law, assault in the first degree
9 as defined in section 120.10 of the penal law, reckless endangerment in
10 the first degree as defined in section 120.25 of the penal law, promot-
11 ing a suicide attempt as defined in section 120.30 of the penal law,
12 strangulation in the second degree as defined in section 121.12 of the
13 penal law, strangulation in the first degree as defined in section
14 121.13 of the penal law, criminally negligent homicide as defined in
15 section 125.10 of the penal law, manslaughter in the second degree as
16 defined in section 125.15 of the penal law, manslaughter in the first
17 degree as defined in section 125.20 of the penal law, murder in the
18 second degree as defined in section 125.25 of the penal law, murder in
19 the first degree as defined in section 125.27 of the penal law, rape in
20 the third degree as defined in section 130.25 of the penal law, rape in
21 the second degree as defined in section 130.30 of the penal law, rape in
22 the first degree as defined in section 130.35 of the penal law, [~~crimi-
23 nal sexual act in the third degree as defined in section 130.40 of the
24 penal law, criminal sexual act in the second degree as defined in
25 section 130.45 of the penal law, criminal sexual act in the first degree
26 as defined in section 130.50 of the penal law,~~] sexual abuse in the
27 first degree as defined in section 130.65 of the penal law, unlawful
28 imprisonment in the first degree as defined in section 135.10 of the
29 penal law, kidnapping in the second degree as defined in section 135.20
30 of the penal law, kidnapping in the first degree as defined in section
31 135.25 of the penal law, labor trafficking as defined in section 135.35
32 of the penal law, aggravated labor trafficking as defined in section
33 135.37 of the penal law, custodial interference in the first degree as
34 defined in section 135.50 of the penal law, coercion in the first degree
35 as defined in section 135.65 of the penal law, criminal trespass in the
36 first degree as defined in section 140.17 of the penal law, burglary in
37 the third degree as defined in section 140.20 of the penal law, burglary
38 in the second degree as defined in section 140.25 of the penal law,
39 burglary in the first degree as defined in section 140.30 of the penal
40 law, criminal mischief in the third degree as defined in section 145.05
41 of the penal law, criminal mischief in the second degree as defined in
42 section 145.10 of the penal law, criminal mischief in the first degree
43 as defined in section 145.12 of the penal law, criminal tampering in the
44 first degree as defined in section 145.20 of the penal law, arson in the
45 fourth degree as defined in section 150.05 of the penal law, arson in
46 the third degree as defined in section 150.10 of the penal law, arson in
47 the second degree as defined in section 150.15 of the penal law, arson
48 in the first degree as defined in section 150.20 of the penal law, grand
49 larceny in the fourth degree as defined in section 155.30 of the penal
50 law, grand larceny in the third degree as defined in section 155.35 of
51 the penal law, grand larceny in the second degree as defined in section
52 155.40 of the penal law, grand larceny in the first degree as defined in
53 section 155.42 of the penal law, health care fraud in the fourth degree
54 as defined in section 177.10 of the penal law, health care fraud in the
55 third degree as defined in section 177.15 of the penal law, health care
56 fraud in the second degree as defined in section 177.20 of the penal

1 law, health care fraud in the first degree as defined in section 177.25
2 of the penal law, robbery in the third degree as defined in section
3 160.05 of the penal law, robbery in the second degree as defined in
4 section 160.10 of the penal law, robbery in the first degree as defined
5 in section 160.15 of the penal law, unlawful use of secret scientific
6 material as defined in section 165.07 of the penal law, criminal
7 possession of stolen property in the fourth degree as defined in section
8 165.45 of the penal law, criminal possession of stolen property in the
9 third degree as defined in section 165.50 of the penal law, criminal
10 possession of stolen property in the second degree as defined by section
11 165.52 of the penal law, criminal possession of stolen property in the
12 first degree as defined by section 165.54 of the penal law, trademark
13 counterfeiting in the second degree as defined in section 165.72 of the
14 penal law, trademark counterfeiting in the first degree as defined in
15 section 165.73 of the penal law, forgery in the second degree as defined
16 in section 170.10 of the penal law, forgery in the first degree as
17 defined in section 170.15 of the penal law, criminal possession of a
18 forged instrument in the second degree as defined in section 170.25 of
19 the penal law, criminal possession of a forged instrument in the first
20 degree as defined in section 170.30 of the penal law, criminal
21 possession of forgery devices as defined in section 170.40 of the penal
22 law, falsifying business records in the first degree as defined in
23 section 175.10 of the penal law, tampering with public records in the
24 first degree as defined in section 175.25 of the penal law, offering a
25 false instrument for filing in the first degree as defined in section
26 175.35 of the penal law, issuing a false certificate as defined in
27 section 175.40 of the penal law, criminal diversion of prescription
28 medications and prescriptions in the second degree as defined in section
29 178.20 of the penal law, criminal diversion of prescription medications
30 and prescriptions in the first degree as defined in section 178.25 of
31 the penal law, residential mortgage fraud in the fourth degree as
32 defined in section 187.10 of the penal law, residential mortgage fraud
33 in the third degree as defined in section 187.15 of the penal law, resi-
34 dential mortgage fraud in the second degree as defined in section 187.20
35 of the penal law, residential mortgage fraud in the first degree as
36 defined in section 187.25 of the penal law, escape in the second degree
37 as defined in section 205.10 of the penal law, escape in the first
38 degree as defined in section 205.15 of the penal law, absconding from
39 temporary release in the first degree as defined in section 205.17 of
40 the penal law, promoting prison contraband in the first degree as
41 defined in section 205.25 of the penal law, hindering prosecution in the
42 second degree as defined in section 205.60 of the penal law, hindering
43 prosecution in the first degree as defined in section 205.65 of the
44 penal law, sex trafficking as defined in section 230.34 of the penal
45 law, sex trafficking of a child as defined in section 230.34-a of the
46 penal law, criminal possession of a weapon in the third degree as
47 defined in subdivisions two, three and five of section 265.02 of the
48 penal law, criminal possession of a weapon in the second degree as
49 defined in section 265.03 of the penal law, criminal possession of a
50 weapon in the first degree as defined in section 265.04 of the penal
51 law, manufacture, transport, disposition and defacement of weapons and
52 dangerous instruments and appliances defined as felonies in subdivisions
53 one, two, and three of section 265.10 of the penal law, sections 265.11,
54 265.12 and 265.13 of the penal law, or prohibited use of weapons as
55 defined in subdivision two of section 265.35 of the penal law, relating
56 to firearms and other dangerous weapons, criminal manufacture, sale or

1 transport of an undetectable firearm, rifle or shotgun as defined in
2 section 265.50 of the penal law, or failure to disclose the origin of a
3 recording in the first degree as defined in section 275.40 of the penal
4 law;

5 § 34. Paragraph (a) of subdivision 2 of section 720.10 of the criminal
6 procedure law, as amended by chapter 316 of the laws of 2006, is amended
7 to read as follows:

8 (a) the conviction to be replaced by a youthful offender finding is
9 for (i) a class A-I or class A-II felony, or (ii) an armed felony as
10 defined in subdivision forty-one of section 1.20, except as provided in
11 subdivision three, or (iii) rape in the first degree[~~, criminal sexual~~
12 ~~act in the first degree,~~] or aggravated sexual abuse, except as provided
13 in subdivision three, or

14 § 35. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision
15 3 of section 168-a of the correction law, paragraph (a) of subdivision 2
16 as amended by chapter 405 of the laws of 2008, subparagraph (i) of para-
17 graph (a) of subdivision 2 as amended by chapter 189 of the laws of 2018
18 and paragraph (a) of subdivision 3 as amended by chapter 107 of the laws
19 of 2006, are amended to read as follows:

20 (a) (i) a conviction of or a conviction for an attempt to commit any
21 of the provisions of sections 120.70, 130.20, 130.25, 130.30, [~~130.40,~~
22 ~~130.45,~~] 130.60, 230.34, 230.34-a 250.50, 255.25, 255.26 and 255.27 or
23 article two hundred sixty-three of the penal law, or section 135.05,
24 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,
25 provided the victim of such kidnapping or related offense is less than
26 seventeen years old and the offender is not the parent of the victim, or
27 section 230.04, where the person patronized is in fact less than seven-
28 teen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision
29 two of section 230.30, section 230.32, 230.33, or 230.34 of the penal
30 law, or section 230.25 of the penal law where the person prostituted is
31 in fact less than seventeen years old, or (ii) a conviction of or a
32 conviction for an attempt to commit any of the provisions of section
33 235.22 of the penal law, or (iii) a conviction of or a conviction for an
34 attempt to commit any provisions of the foregoing sections committed or
35 attempted as a hate crime defined in section 485.05 of the penal law or
36 as a crime of terrorism defined in section 490.25 of such law or as a
37 sexually motivated felony defined in section 130.91 of such law; or

38 (a) (i) a conviction of or a conviction for an attempt to commit any
39 of the provisions of sections 130.35, [~~130.50,~~] 130.65, 130.66, 130.67,
40 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law, or (ii) a
41 conviction of or a conviction for an attempt to commit any of the
42 provisions of sections 130.53, 130.65-a and 130.90 of the penal law, or
43 (iii) a conviction of or a conviction for an attempt to commit any
44 provisions of the foregoing sections committed or attempted as a hate
45 crime defined in section 485.05 of the penal law or as a crime of
46 terrorism defined in section 490.25 of such law; or

47 § 36. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii)
48 of paragraph (b) and paragraph (e) of subdivision 8 of section 384-b of
49 the social services law, subparagraph (ii) of paragraph (a) and subpara-
50 graph (i) of paragraph (b) as amended by chapter 430 of the laws of
51 2013, subparagraph (ii) of paragraph (b) as amended and paragraph (e) as
52 added by chapter 7 of the laws of 1999, are amended to read as follows:

53 (ii) the child has been found to be an abused child, as defined in
54 paragraph (iii) of subdivision (e) of section ten hundred twelve of the
55 family court act, as a result of such parent's acts; provided, however,
56 the respondent must have committed or knowingly allowed to be committed

1 a felony sex offense as defined in sections 130.25, 130.30, 130.35,
2 ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67, 130.70, 130.75, 130.80, 130.95
3 and 130.96 of the penal law and, for the purposes of this section the
4 corroboration requirements contained in the penal law shall not apply to
5 proceedings under this section; or

6 (i) the child has been found to be an abused child, (A) as defined in
7 paragraph (i) of subdivision (e) of section ten hundred twelve of the
8 family court act, as a result of such parent's acts; or (B) as defined
9 in paragraph (iii) of subdivision (e) of section ten hundred twelve of
10 the family court act, as a result of such parent's acts; provided,
11 however, the respondent must have committed or knowingly allowed to be
12 committed a felony sex offense as defined in sections 130.25, 130.30,
13 130.35, ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67, 130.70, 130.75,
14 130.80, 130.95 and 130.96 of the penal law; and

15 (ii) (A) the child or another child for whose care such parent is or
16 has been legally responsible has been previously found, within the five
17 years immediately preceding the initiation of the proceeding in which
18 such abuse is found, to be an abused child, as defined in paragraph (i)
19 or (iii) of subdivision (e) of section ten hundred twelve of the family
20 court act, as a result of such parent's acts; provided, however, in the
21 case of a finding of abuse as defined in paragraph (iii) of subdivision
22 (e) of section ten hundred twelve of the family court act the respondent
23 must have committed or knowingly allowed to be committed a felony sex
24 offense as defined in sections 130.25, 130.30, 130.35, ~~[130.40, 130.45,~~
25 ~~130.50]~~ 130.65, 130.67, 130.70, 130.75 and 130.80 of the penal law, or
26 (B) the parent has been convicted of a crime under section 130.25,
27 130.30, 130.35, ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67, 130.70, 130.75
28 or 130.80 of the penal law against the child, a sibling of the child or
29 another child for whose care such parent is or has been legally respon-
30 sible, within the five year period immediately preceding the initiation
31 of the proceeding in which abuse is found; and

32 (e) A determination by the court in accordance with article ten of the
33 family court act based upon clear and convincing evidence that a child
34 was abused (A) as defined in paragraph (i) of subdivision (e) of section
35 ten hundred twelve of the family court act, as a result of such parent's
36 acts; or (B) as defined in paragraph (iii) of subdivision (e) of section
37 ten hundred twelve of the family court act, as a result of such parent's
38 acts; provided, however, the respondent must have committed or knowingly
39 allowed to be committed a felony sex offense as defined in sections
40 130.25, 130.30, 130.35, ~~[130.40, 130.45, 130.50]~~ 130.65, 130.67,
41 130.70, 130.75 and 130.80 of the penal law shall establish that the
42 child was an abused child for the purpose of a determination as required
43 by subparagraph (i) or (ii) of paragraph (b) of this subdivision. Such a
44 determination by the court in accordance with article ten of the family
45 court act based upon a fair preponderance of evidence shall be admissi-
46 ble in any proceeding commenced in accordance with this section.

47 § 37. Paragraphs (a) and (b) of subdivision 4 of section 509-cc of the
48 vehicle and traffic law, paragraph (a) as amended by chapter 189 of the
49 laws of 2018 and paragraph (b) as amended by chapter 400 of the laws of
50 2011, are amended to read as follows:

51 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of
52 subdivision one and paragraph (a) of subdivision two of this section
53 that result in permanent disqualification shall include a conviction
54 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,
55 125.25, 125.26, 125.27, 130.30, 130.35, ~~[130.45, 130.50]~~ 130.65,
56 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25,

1 150.20, 230.30, 230.32, 230.34, 230.34-a, 235.22, 263.05, 263.10,
2 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of
3 the aforesaid offenses under section 110.00 of the penal law, or any
4 offenses committed under a former section of the penal law which would
5 constitute violations of the aforesaid sections of the penal law, or any
6 offenses committed outside this state which would constitute violations
7 of the aforesaid sections of the penal law.

8 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of
9 subdivision one and paragraph (b) of subdivision two of this section
10 that result in permanent disqualification shall include a conviction
11 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 120.70, 125.10,
12 125.11, ~~[130.40]~~ 130.53, 130.60, 130.65-a, 135.20, 160.15, 220.18,
13 220.21, 220.39, 220.41, 220.43, 220.44, 230.25, 260.00, 265.04 of the
14 penal law or an attempt to commit any of the aforesaid offenses under
15 section 110.00 of the penal law, or any offenses committed under a
16 former section of the penal law which would constitute violations of the
17 aforesaid sections of the penal law, or any offenses committed outside
18 this state which would constitute violations of the aforesaid sections
19 of the penal law.

20 § 38. Subdivision (b) of section 117 of the family court act, as
21 amended by chapter 7 of the laws of 2007, is amended to read as follows:

22 (b) For every juvenile delinquency proceeding under article three
23 involving an allegation of an act committed by a person which, if done
24 by an adult, would be a crime (i) defined in sections 125.27 (murder in
25 the first degree); 125.25 (murder in the second degree); 135.25 (kidnap-
26 ping in the first degree); or 150.20 (arson in the first degree) of the
27 penal law committed by a person thirteen, fourteen or fifteen years of
28 age; or such conduct committed as a sexually motivated felony, where
29 authorized pursuant to section 130.91 of the penal law; (ii) defined in
30 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
31 the first degree); 130.35 (rape in the first degree); ~~[130.50 (criminal~~
32 ~~sexual act in the first degree)]~~ 135.20 (kidnapping in the second
33 degree), but only where the abduction involved the use or threat of use
34 of deadly physical force; 150.15 (arson in the second degree); or 160.15
35 (robbery in the first degree) of the penal law committed by a person
36 thirteen, fourteen or fifteen years of age; or such conduct committed as
37 a sexually motivated felony, where authorized pursuant to section 130.91
38 of the penal law; (iii) defined in the penal law as an attempt to commit
39 murder in the first or second degree or kidnapping in the first degree
40 committed by a person thirteen, fourteen or fifteen years of age; or
41 such conduct committed as a sexually motivated felony, where authorized
42 pursuant to section 130.91 of the penal law; (iv) defined in section
43 140.30 (burglary in the first degree); subdivision one of section 140.25
44 (burglary in the second degree); subdivision two of section 160.10
45 (robbery in the second degree) of the penal law; or section 265.03 of
46 the penal law, where such machine gun or such firearm is possessed on
47 school grounds, as that phrase is defined in subdivision fourteen of
48 section 220.00 of the penal law committed by a person fourteen or
49 fifteen years of age; or such conduct committed as a sexually motivated
50 felony, where authorized pursuant to section 130.91 of the penal law;
51 (v) defined in section 120.05 (assault in the second degree) or 160.10
52 (robbery in the second degree) of the penal law committed by a person
53 fourteen or fifteen years of age but only where there has been a prior
54 finding by a court that such person has previously committed an act
55 which, if committed by an adult, would be the crime of assault in the
56 second degree, robbery in the second degree or any designated felony act

specified in clause (i), (ii) or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there has been two prior findings by the court that such person has committed a prior act which, if committed by an adult would be a felony:

(i) There is hereby established in the family court in the city of New York at least one "designated felony act part." Such part or parts shall be held separate from all other proceedings of the court, and shall have jurisdiction over all proceedings involving such an allegation. All such proceedings shall be originated in or be transferred to this part from other parts as they are made known to the court.

(ii) Outside the city of New York, all proceedings involving such an allegation shall have a hearing preference over every other proceeding in the court, except proceedings under article ten.

§ 39. Paragraph (ii) of subdivision 8 of section 301.2 of the family court act, as amended by section 57 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

(ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); ~~[130.50 (criminal sexual act in the first degree),]~~ 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, or sixteen, or, commencing October first, two thousand nineteen, seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law;

§ 40. Subdivision 4 of section 308.1 of the family court act, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

4. The probation service shall not adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), ~~[subdivision]~~ subdivisions one, two and three of section 130.25, (rape in the third degree), ~~[subdivision one of section 130.40, (criminal sexual act in the third degree),]~~ subdivision one or two of section 130.65, (sexual abuse in the first degree), section 135.65, (coercion in the first degree), section 140.20, (burglary in the third degree), section 150.10, (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two, three or four of section 265.02, (criminal possession of a weapon in the third degree), section 265.03, (criminal possession of a weapon in the second degree), or section 265.04, (criminal possession of a dangerous weapon in the first degree) of the penal law where the child has previously had one or more adjustments of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

§ 41. Subdivision (c) of section 1052 of the family court act, as added by chapter 739 of the laws of 1981, is amended to read as follows:

(c) Prior to granting an order of disposition pursuant to subdivision (a) of this section following an adjudication of child abuse, as defined in paragraph (i) of subdivision (e) of section ten hundred twelve of this act or a finding of a felony sex offense as defined in sections

1 130.25, 130.30, 130.35, [~~130.40, 130.45, 130.50,~~] 130.65 and 130.70 of
2 the penal law, the court shall advise the respondent that any subsequent
3 adjudication of child abuse, as defined in paragraph (i) of subdivision
4 (e) of section one thousand twelve of this act or any subsequent finding
5 of a felony sex offense as defined in those sections of the penal law
6 herein enumerated, arising out of acts of the respondent may result in
7 the commitment of the guardianship and custody of the child or another
8 child pursuant to section three hundred eighty-four-b of the social
9 services law. The order in such cases shall contain a statement that any
10 subsequent adjudication of child abuse or finding of a felony sex
11 offense as described herein may result in the commitment of the guardi-
12 anship and custody of the child, or another child pursuant to section
13 three hundred eighty-four-b of the social services law.

14 § 42. Subdivision 2 of section 61 of the civil rights law, as amended
15 by section 54 of subpart B of part C of chapter 62 of the laws of 2011,
16 is amended to read as follows:

17 2. If the petitioner stands convicted of a violent felony offense as
18 defined in section 70.02 of the penal law or a felony defined in article
19 one hundred twenty-five of such law or any of the following provisions
20 of such law sections 130.25, 130.30, [~~130.40, 130.45,~~] 255.25, 255.26,
21 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,
22 subdivision two of section 230.30 or 230.32, and is currently confined
23 as an inmate in any correctional facility or currently under the super-
24 vision of the department of corrections and community supervision or a
25 county probation department as a result of such conviction, the petition
26 shall for each such conviction specify such felony conviction, the date
27 of such conviction or convictions, and the court in which such
28 conviction or convictions were entered.

29 § 43. Subdivision 2 of section 62 of the civil rights law, as amended
30 by section 55 of subpart B of part C of chapter 62 of the laws of 2011,
31 is amended to read as follows:

32 2. If the petition be to change the name of a person currently
33 confined as an inmate in any correctional facility or currently under
34 the supervision of the department of corrections and community super-
35 vision or a county probation department as a result of a conviction for
36 a violent felony offense as defined in section 70.02 of the penal law or
37 a felony defined in article one hundred twenty-five of such law or any
38 of the following provisions of such law sections 130.25, 130.30,
39 [~~130.40, 130.45,~~] 255.25, 255.26, 255.27, article two hundred sixty-
40 three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30
41 or 230.32, notice of the time and place when and where the petition will
42 be presented shall be served, in like manner as a notice of a motion
43 upon an attorney in an action, upon the district attorney of every coun-
44 ty in which such person has been convicted of such felony and upon the
45 court or courts in which the sentence for such felony was entered.
46 Unless a shorter period of time is ordered by the court, said notice
47 shall be served upon each such district attorney and court or courts not
48 less than sixty days prior to the date on which such petition is noticed
49 to be heard.

50 § 44. The closing paragraph of section 64 of the civil rights law, as
51 separately amended by chapters 258, 320 and 481 of the laws of 2006, is
52 amended to read as follows:

53 Upon compliance with the order and the filing of the affidavit of the
54 publication, as provided in this section, the clerk of the court in
55 which the order has been entered shall certify that the order has been
56 complied with; and, if the petition states that the petitioner stands

1 convicted of a violent felony offense as defined in section 70.02 of the
2 penal law or a felony defined in article one hundred twenty-five of such
3 law or any of the following provisions of such law sections 130.25,
4 130.30, [~~130.40, 130.45,~~] 255.25, 255.26, 255.27, article two hundred
5 sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section
6 230.30 or 230.32, such clerk (1) shall deliver, by first class mail, a
7 copy of such certified order to the division of criminal justice
8 services at its office in the county of Albany and (2) upon the clerk of
9 the court reviewing the petitioner's application for name change and
10 subsequent in-court inquiry, may, in the clerk's discretion, deliver, by
11 first class mail, the petitioner's new name with such certified order to
12 the court of competent jurisdiction which imposed the orders of support.
13 Such certification shall appear on the original order and on any certi-
14 fied copy thereof and shall be entered in the clerk's minutes of the
15 proceeding.

16 § 45. Section 213-c of the civil practice law and rules, as amended by
17 chapter 315 of the laws of 2019, is amended to read as follows:

18 § 213-c. Action by victim of conduct constituting certain sexual
19 offenses. Notwithstanding any other limitation set forth in this arti-
20 cle, except as provided in subdivision (b) of section two hundred eight
21 of this article, all civil claims or causes of action brought by any
22 person for physical, psychological or other injury or condition suffered
23 by such person as a result of conduct which would constitute rape in the
24 first degree as defined in section 130.35 of the penal law, or rape in
25 the second degree as defined in subdivision two of section 130.30 of the
26 penal law, or rape in the third degree as defined in subdivision one or
27 three of section 130.25 of the penal law, [~~or criminal sexual act in the~~
28 ~~first degree as defined in section 130.50 of the penal law, or criminal~~
29 ~~sexual act in the second degree as defined in subdivision two of section~~
30 ~~130.45 of the penal law, or criminal sexual act in the third degree as~~
31 ~~defined in subdivision one or three of section 130.40 of the penal law,~~]
32 or incest in the first degree as defined in section 255.27 of the penal
33 law, or incest in the second degree as defined in section 255.26 of the
34 penal law (where the crime committed is rape in the second degree as
35 defined in subdivision two of section 130.30 of the penal law or crimi-
36 nal sexual act in the second degree as defined in subdivision two of
37 section 130.45), or aggravated sexual abuse in the first degree as
38 defined in section 130.70 of the penal law, or course of sexual conduct
39 against a child in the first degree as defined in section 130.75 of the
40 penal law may be brought against any party whose intentional or negli-
41 gent acts or omissions are alleged to have resulted in the commission of
42 the said conduct, within twenty years. Nothing in this section shall be
43 construed to require that a criminal charge be brought or a criminal
44 conviction be obtained as a condition of bringing a civil cause of
45 action or receiving a civil judgment pursuant to this section or be
46 construed to require that any of the rules governing a criminal proceed-
47 ing be applicable to any such civil action.

48 § 46. Paragraph (b) of subdivision 8 of section 215 of the civil prac-
49 tice law and rules, as added by chapter 3 of the laws of 2006, is
50 amended to read as follows:

51 (b) Whenever it is shown that a criminal action against the same
52 defendant has been commenced with respect to the event or occurrence
53 from which a claim governed by this section arises, and such criminal
54 action is for rape in the first degree as defined in section 130.35 of
55 the penal law, [~~or criminal sexual act in the first degree as defined in~~
56 ~~section 130.50 of the penal law,~~] or aggravated sexual abuse in the

1 first degree as defined in section 130.70 of the penal law, or course of
2 sexual conduct against a child in the first degree as defined in section
3 130.75 of the penal law, the plaintiff shall have at least five years
4 from the termination of the criminal action as defined in section 1.20
5 of the criminal procedure law in which to commence the civil action,
6 notwithstanding that the time in which to commence such action has
7 already expired or has less than a year remaining.

8 § 47. Subdivision 11 of section 123 of the agriculture and markets
9 law, as amended by chapter 392 of the laws of 2004, and such section as
10 renumbered by section 18 of part T of chapter 59 of the laws of 2010, is
11 amended to read as follows:

12 11. The owner shall not be liable pursuant to subdivision six, seven,
13 eight, nine or ten of this section if the dog was coming to the aid or
14 defense of a person during the commission or attempted commission of a
15 murder, robbery, burglary, arson, rape in the first degree as defined in
16 paragraph (a) or (b) of subdivision one ~~[or]~~, paragraph (a) or (b) of
17 subdivision two or paragraph (a) or (b) of subdivision three of section
18 130.35 of the penal law~~[, criminal sexual act in the first degree as~~
19 ~~defined in subdivision one or two of section 130.50 of the penal law]~~ or
20 kidnapping within the dwelling or upon the real property of the owner of
21 the dog and the dog injured or killed the person committing such crimi-
22 nal activity.

23 § 48. Section 4 of the judiciary law, as amended by chapter 1 of the
24 laws of 2019, is amended to read as follows:

25 § 4. Sittings of courts to be public. The sittings of every court
26 within this state shall be public, and every citizen may freely attend
27 the same, except that in all proceedings and trials in cases for
28 divorce, seduction, rape, assault with intent to commit rape, ~~[criminal~~
29 ~~sexual act,~~] bastardy or filiation, the court may, in its discretion,
30 exclude therefrom all persons who are not directly interested therein,
31 excepting jurors, witnesses, and officers of the court.

32 § 49. Subdivision 2 of section 120.60 of the penal law, as amended by
33 chapter 434 of the laws of 2000, is amended to read as follows:

34 2. commits a class A misdemeanor defined in article one hundred thirty
35 of this chapter, or a class E felony defined in section 130.25, ~~[130.40]~~
36 or 130.85 of this chapter, or a class D felony defined in section 130.30
37 ~~[or 130.45]~~ of this chapter.

38 § 50. Subdivision 1 of section 210.16 of the criminal procedure law,
39 as added by chapter 571 of the laws of 2007, is amended to read as
40 follows:

41 1. (a) In a case where an indictment or a superior court information
42 has been filed with a superior court which charges the defendant with a
43 felony offense enumerated in any section of article one hundred thirty
44 of the penal law where an act of "~~[sexual intercourse]~~ vaginal sexual
45 contact", "oral sexual ~~[conduct]~~ contact" or "anal sexual ~~[conduct]~~
46 contact," as those terms are defined in section 130.00 of the penal law,
47 is required as an essential element for the commission thereof, the
48 court shall, upon a request of the victim within six months of the date
49 of the crimes charged, order that the defendant submit to human immuno-
50 deficiency virus (HIV) related testing. Testing of a defendant shall be
51 ordered when the result would provide medical benefit to the victim or a
52 psychological benefit to the victim. Medical benefit shall be found when
53 the following elements are satisfied: (i) a decision is pending about
54 beginning, continuing, or discontinuing a medical intervention for the
55 victim; and (ii) the result of an HIV test of the accused could affect
56 that decision, and could provide relevant information beyond that which

1 would be provided by an HIV test of the victim. If testing the defendant
2 would provide medical benefit to the victim or a psychological benefit
3 to the victim, then the testing is to be conducted by a state, county,
4 or local public health officer designated by the order. Test results,
5 which shall not be disclosed to the court, shall be communicated to the
6 defendant and the victim named in the order in accordance with the
7 provisions of section twenty-seven hundred eighty-five-a of the public
8 health law.

9 (b) For the purposes of this section, the terms "victim" and "appli-
10 cant" mean the person with whom the defendant is charged to have engaged
11 in an act of "[~~sexual-intercourse~~ vaginal sexual contact", "oral sexual
12 [~~conduct~~ contact" or "anal sexual [~~conduct~~ contact", as those terms
13 are defined in section 130.00 of the penal law, where such conduct with
14 such victim was the basis for charging the defendant with an offense
15 specified in paragraph (a) of this subdivision.

16 § 51. Subdivision 1 of section 390.15 of the criminal procedure law,
17 as amended by chapter 264 of the laws of 2003, is amended to read as
18 follows:

19 1. (a) In any case where the defendant is convicted of a felony
20 offense enumerated in any section of article one hundred thirty of the
21 penal law, or any subdivision of section 130.20 of such law, where an
22 act of "[~~sexual-intercourse~~ vaginal sexual contact", "oral sexual
23 [~~conduct~~ contact" or "anal sexual [~~conduct~~ contact," as those terms
24 are defined in section 130.00 of the penal law, is required as an essen-
25 tial element for the commission thereof, the court must, upon a request
26 of the victim, order that the defendant submit to human immunodeficiency
27 (HIV) related testing. The testing is to be conducted by a state, coun-
28 ty, or local public health officer designated by the order. Test
29 results, which shall not be disclosed to the court, shall be communi-
30 cated to the defendant and the victim named in the order in accordance
31 with the provisions of section twenty-seven hundred eighty-five-a of the
32 public health law, but such results and disclosure need not be completed
33 prior to the imposition of sentence.

34 (b) For the purposes of this section, the terms "defendant",
35 "conviction" and "sentence" mean and include, respectively, an "eligible
36 youth," a "youthful offender finding" and a "youthful offender sentence"
37 as those terms are defined in section 720.10 of this chapter. The term
38 "victim" means the person with whom the defendant engaged in an act of
39 "[~~sexual-intercourse~~ vaginal sexual contact", "oral sexual [~~conduct~~ contact
40 contact" or "anal sexual [~~conduct~~ contact", as those terms are defined
41 in section 130.00 of the penal law, where such conduct with such victim
42 was the basis for the defendant's conviction of an offense specified in
43 paragraph (a) of this subdivision.

44 § 52. Subdivision 1 of section 347.1 of the family court act, as
45 amended by chapter 264 of the laws of 2003, is amended to read as
46 follows:

47 1. (a) In any proceeding where the respondent is found pursuant to
48 section 345.1 or 346.1 of this article, to have committed a felony
49 offense enumerated in any section of article one hundred thirty of the
50 penal law, or any subdivision of section 130.20 of such law, for which
51 an act of "[~~sexual-intercourse~~ vaginal sexual contact", "oral sexual
52 [~~conduct~~ contact" or "anal sexual [~~conduct~~ contact", as those terms
53 are defined in section 130.00 of the penal law, is required as an essen-
54 tial element for the commission thereof, the court must, upon a request
55 of the victim, order that the respondent submit to human immunodeficien-
56 cy (HIV) related testing. The testing is to be conducted by a state,

1 county, or local public health officer designated by the order. Test
2 results, which shall not be disclosed to the court, shall be communi-
3 cated to the respondent and the victim named in the order in accordance
4 with the provisions of section twenty-seven hundred eighty-five-a of the
5 public health law.

6 (b) For the purposes of this section, the term "victim" means the
7 person with whom the respondent engaged in an act of "[~~sexual-inter-~~
8 ~~course~~] vaginal sexual contact", "oral sexual [~~conduct~~] contact" or
9 "anal sexual [~~conduct~~] contact", as those terms are defined in section
10 130.00 of the penal law, where such conduct with such victim was the
11 basis for the court's finding that the respondent committed acts consti-
12 tuting one or more of the offenses specified in paragraph (a) of this
13 subdivision.

14 § 53. Subdivision (a) of section 130.16 of the penal law, as amended
15 by chapter 264 of the laws of 2003, is amended to read as follows:

16 (a) Establish that an attempt was made to engage the victim in [~~sexual-~~
17 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal
18 sexual [~~conduct~~] contact, or sexual contact, as the case may be, at the
19 time of the occurrence; and

20 § 54. Section 130.20 of the penal law, as amended by chapter 1 of the
21 laws of 2000, subdivision 2 as amended by chapter 264 of the laws of
22 2003, is amended to read as follows:

23 § 130.20 Sexual misconduct.

24 A person is guilty of sexual misconduct when:

25 1. He or she engages in [~~sexual-intercourse~~] vaginal sexual contact
26 with another person without such person's consent; or

27 2. He or she engages in oral sexual [~~conduct-or-anal-sexual-conduct~~]
28 contact with another person without such person's consent; or

29 3. He or she engages in anal sexual contact with another person with-
30 out such person's consent; or

31 4. He or she engages in sexual conduct with an animal or a dead human
32 body.

33 Sexual misconduct is a class A misdemeanor.

34 § 55. Paragraphs (a) and (b) of subdivision 1 of section 130.75 of the
35 penal law, as amended by chapter 264 of the laws of 2003, are amended to
36 read as follows:

37 (a) he or she engages in two or more acts of sexual conduct, which
38 includes at least one act of [~~sexual-intercourse~~] vaginal sexual
39 contact, oral sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact or
40 aggravated sexual contact, with a child less than eleven years old; or

41 (b) he or she, being eighteen years old or more, engages in two or
42 more acts of sexual conduct, which include at least one act of [~~sexual-~~
43 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal
44 sexual [~~conduct~~] contact or aggravated sexual contact, with a child less
45 than thirteen years old.

46 § 56. Subdivision 1 of section 235.00 of the penal law, as amended by
47 chapter 264 of the laws of 2003, is amended to read as follows:

48 1. "Obscene." Any material or performance is "obscene" if (a) the
49 average person, applying contemporary community standards, would find
50 that considered as a whole, its predominant appeal is to the prurient
51 interest in sex, and (b) it depicts or describes in a patently offensive
52 manner, actual or simulated: [~~sexual-intercourse~~] vaginal sexual
53 contact, [~~criminal-sexual-act~~] oral sexual contact, anal sexual contact,
54 sexual bestiality, masturbation, sadism, masochism, excretion or lewd
55 exhibition of the genitals, and (c) considered as a whole, it lacks
56 serious literary, artistic, political, and scientific value. Predominant

1 appeal shall be judged with reference to ordinary adults unless it
2 appears from the character of the material or the circumstances of its
3 dissemination to be designed for children or other [~~especially~~] especial-
4 ly susceptible audience.

5 § 57. Subdivision 2 of section 235.22 of the penal law, as amended by
6 chapter 264 of the laws of 2003, is amended to read as follows:

7 2. by means of such communication he importunes, invites or induces a
8 minor to engage in [~~sexual-intercourse~~] vaginal sexual contact, oral
9 sexual [~~conduct~~] contact or anal sexual [~~conduct~~] contact, or sexual
10 contact with him, or to engage in a sexual performance, obscene sexual
11 performance, or sexual conduct for his benefit.

12 § 58. Section 255.25 of the penal law, as amended by chapter 320 of
13 the laws of 2006, is amended to read as follows:

14 § 255.25 Incest in the third degree.

15 A person is guilty of incest in the third degree when he or she
16 marries or engages in [~~sexual-intercourse~~] vaginal sexual contact, oral
17 sexual [~~conduct~~] contact or anal sexual [~~conduct~~] contact with a person
18 whom he or she knows to be related to him or her, whether through
19 marriage or not, as an ancestor, descendant, brother or sister of either
20 the whole or the half blood, uncle, aunt, nephew or niece.

21 Incest in the third degree is a class E felony.

22 § 59. Subdivision 3 of section 263.00 of the penal law, as amended by
23 chapter 264 of the laws of 2003, is amended to read as follows:

24 3. "Sexual conduct" means actual or simulated [~~sexual-intercourse~~]
25 vaginal sexual contact, oral sexual [~~conduct~~] contact, anal sexual
26 [~~conduct~~] contact, sexual bestiality, masturbation, sado-masochistic
27 abuse, or lewd exhibition of the genitals.

28 § 60. Subdivision 3 of section 60.42 of the criminal procedure law, as
29 amended by section 1 of part R of chapter 55 of the laws of 2019, is
30 amended to read as follows:

31 3. rebuts evidence introduced by the people of the victim's failure to
32 engage in [~~sexual-intercourse~~] vaginal sexual contact, oral sexual
33 [~~conduct~~] contact, anal sexual [~~conduct~~] contact or sexual contact
34 during a given period of time; or

35 § 61. Subdivision 3 of section 344.4 of the family court act, as
36 amended by chapter 264 of the laws of 2003, is amended to read as
37 follows:

38 3. rebuts evidence introduced by the presentment agency of the
39 victim's failure to engage in [~~sexual-intercourse~~] vaginal sexual
40 contact, oral sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact or
41 sexual contact during a given period of time; or

42 § 62. Subdivision 4 of section 170 of the domestic relations law, as
43 amended by chapter 264 of the laws of 2003, is amended to read as
44 follows:

45 (4) The commission of an act of adultery, provided that adultery for
46 the purposes of articles ten, eleven, and eleven-A of this chapter, is
47 hereby defined as the commission of an act of [~~sexual-intercourse~~] vagi-
48 nal sexual contact, oral sexual [~~conduct~~] contact or anal sexual
49 [~~conduct~~] contact, voluntarily performed by the defendant, with a person
50 other than the plaintiff after the marriage of plaintiff and defendant.
51 Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~] contact include,
52 but are not limited to, sexual conduct as defined in subdivision two of
53 section 130.00 and subdivision [~~three~~] four of section 130.20 of the
54 penal law.

§ 63. The first undesignated paragraph of section 135.61 of the penal law, as added by section 2 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

A person is guilty of coercion in the second degree when he or she commits the crime of coercion in the third degree as defined in section 135.60 of this article and thereby compels or induces a person to engage in ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~ contact or anal sexual ~~[conduct]~~ contact as such terms are defined in section ~~[130 of the penal law]~~ 130.00 of this title.

§ 64. The first undesignated paragraph of section 230.11 of the penal law, as added by chapter 368 of the laws of 2015, is amended to read as follows:

A person is guilty of aggravated patronizing a minor for prostitution in the third degree when, being twenty-one years old or more, he or she patronizes a person for prostitution and the person patronized is less than seventeen years old and the person guilty of patronizing engages in ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~ contact, anal sexual ~~[conduct]~~ contact, or aggravated sexual ~~[conduct]~~ contact as those terms are defined in section 130.00 of this part, with the person patronized.

§ 65. The first undesignated paragraph of section 230.12 of the penal law, as added by chapter 368 of the laws of 2015, is amended to read as follows:

A person is guilty of aggravated patronizing a minor for prostitution in the second degree when, being eighteen years old or more, he or she patronizes a person for prostitution and the person patronized is less than fifteen years old and the person guilty of patronizing engages in ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~ contact, anal sexual ~~[conduct]~~ contact, or aggravated sexual ~~[conduct]~~ contact as those terms are defined in section 130.00 of this part, with the person patronized.

§ 66. The first undesignated paragraph of section 230.13 of the penal law, as added by chapter 368 of the laws of 2015, is amended to read as follows:

A person is guilty of aggravated patronizing a minor for prostitution in the first degree when he or she patronizes a person for prostitution and the person patronized is less than eleven years old, or being eighteen years old or more, he or she patronizes a person for prostitution and the person patronized is less than thirteen years old, and the person guilty of patronizing engages in ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~ contact, anal sexual ~~[conduct]~~ contact, or aggravated sexual ~~[conduct]~~ contact as those terms are defined in section 130.00 of this part, with the person patronized.

§ 67. Subdivision 4 of section 200 of the domestic relations law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

4. The commission of an act of adultery by the defendant; except where such offense is committed by the procurement or with the connivance of the plaintiff or where there is voluntary cohabitation of the parties with the knowledge of the offense or where action was not commenced within five years after the discovery by the plaintiff of the offense charged or where the plaintiff has also been guilty of adultery under such circumstances that the defendant would have been entitled, if innocent, to a divorce, provided that adultery for the purposes of this subdivision is hereby defined as the commission of an act of ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~ contact or

1 anal sexual [~~conduct~~] contact, voluntarily performed by the defendant,
2 with a person other than the plaintiff after the marriage of plaintiff
3 and defendant. Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~]
4 contact include, but are not limited to, sexual conduct as defined in
5 subdivision two of section 130.00 and subdivision [~~three~~] four of
6 section 130.20 of the penal law.

7 § 68. As it pertains to the repealed sections of law, nothing in this
8 act shall affect a requirement to register pursuant to article 6-C of
9 the correction law; a lawfully required disclosure of a conviction; any
10 restriction or prohibition for certain types of employment, housing, or
11 government benefit; or any other ongoing matter related to a conviction
12 of the sections repealed in this act.

13 § 69. This act shall take effect January 1, 2021 and shall apply to
14 any offense on or after such effective date.