

# STATE OF NEW YORK

10412

## IN ASSEMBLY

May 13, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Morinello)  
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law, the agriculture and markets law, the criminal procedure law, the civil practice law and rules, the domestic relations law, the education law, the executive law, the family court act, the general business law, the judiciary law, the labor law, the public health law, the public service law, the social services law and the administrative code of the city of New York, in relation to replacing the word rape with the term sexual battery

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

1 Section 1. Section 130.25 of the penal law, as amended by chapter 1 of  
2 the laws of 2000, is amended to read as follows:  
3 § 130.25 [~~Rape~~] Sexual battery in the third degree.  
4 A person is guilty of [~~rape~~] sexual battery in the third degree when:  
5 1. He or she engages in sexual intercourse with another person who is  
6 incapable of consent by reason of some factor other than being less than  
7 seventeen years old;  
8 2. Being twenty-one years old or more, he or she engages in sexual  
9 intercourse with another person less than seventeen years old; or  
10 3. He or she engages in sexual intercourse with another person without  
11 such person's consent where such lack of consent is by reason of some  
12 factor other than incapacity to consent.  
13 [~~Rape~~] Sexual battery in the third degree is a class E felony.  
14 § 2. Section 130.30 of the penal law, as amended by chapter 1 of the  
15 laws of 2000, is amended to read as follows:  
16 § 130.30 [~~Rape~~] Sexual battery in the second degree.  
17 A person is guilty of [~~rape~~] sexual battery in the second degree when:  
18 1. being eighteen years old or more, he or she engages in sexual  
19 intercourse with another person less than fifteen years old; or  
20 2. he or she engages in sexual intercourse with another person who is  
21 incapable of consent by reason of being mentally disabled or mentally  
22 incapacitated.

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

LBD15272-01-2

1 It shall be an affirmative defense to the crime of [~~rape~~] sexual  
2 battery in the second degree as defined in subdivision one of this  
3 section that the defendant was less than four years older than the  
4 victim at the time of the act.

5 [~~Rape~~] Sexual battery in the second degree is a class D felony.

6 § 3. Section 130.35 of the penal law, as amended by chapter 1 of the  
7 laws of 2000, is amended to read as follows:

8 § 130.35 [~~Rape~~] Sexual battery in the first degree.

9 A person is guilty of [~~rape~~] sexual battery in the first degree when  
10 he or she engages in sexual intercourse with another person:

11 1. By forcible compulsion; or

12 2. Who is incapable of consent by reason of being physically helpless;  
13 or

14 3. Who is less than eleven years old; or

15 4. Who is less than thirteen years old and the actor is eighteen years  
16 old or more.

17 [~~Rape~~] Sexual battery in the first degree is a class B felony.

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

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

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

45 2. A person thirteen, fourteen or, fifteen years of age is criminally  
46 responsible for acts constituting murder in the second degree as defined  
47 in subdivisions one and two of section 125.25 and in subdivision three  
48 of such section provided that the underlying crime for the murder charge  
49 is one for which such person is criminally responsible or for such  
50 conduct as a sexually motivated felony, where authorized pursuant to  
51 section 130.91 of this chapter; and a person fourteen or, fifteen years  
52 of age is criminally responsible for acts constituting the crimes  
53 defined in section 135.25 (kidnapping in the first degree); 150.20  
54 (arson in the first degree); subdivisions one and two of section 120.10  
55 (assault in the first degree); 125.20 (manslaughter in the first  
56 degree); subdivisions one and two of section 130.35 [~~rape~~] (sexual

1 battery in the first degree); subdivisions one and two of section 130.50  
2 (criminal sexual act in the first degree); 130.70 (aggravated sexual  
3 abuse in the first degree); 140.30 (burglary in the first degree);  
4 subdivision one of section 140.25 (burglary in the second degree);  
5 150.15 (arson in the second degree); 160.15 (robbery in the first  
6 degree); subdivision two of section 160.10 (robbery in the second  
7 degree) of this chapter; or section 265.03 of this chapter, where such  
8 machine gun or such firearm is possessed on school grounds, as that  
9 phrase is defined in subdivision fourteen of section 220.00 of this  
10 chapter; or defined in this chapter as an attempt to commit murder in  
11 the second degree or kidnapping in the first degree, or for such conduct  
12 as a sexually motivated felony, where authorized pursuant to section  
13 130.91 of this chapter.

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

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

20 § 7. Paragraph (b) of subdivision 4 of section 35.30 of the penal law,  
21 as amended by chapter 264 of the laws of 2003, is amended to read as  
22 follows:

23 (b) Effect the arrest of a person who has committed murder,  
24 manslaughter in the first degree, robbery, forcible [~~rape~~] sexual  
25 battery or forcible criminal sexual act and who is in immediate flight  
26 therefrom.

27 § 8. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the  
28 penal law, paragraph (a) as amended by chapter 189 of the laws of 2018  
29 and paragraph (c) as amended by chapter 134 of the laws of 2019, are  
30 amended to read as follows:

31 (a) Class B violent felony offenses: an attempt to commit the class  
32 A-I felonies of murder in the second degree as defined in section  
33 125.25, kidnapping in the first degree as defined in section 135.25, and  
34 arson in the first degree as defined in section 150.20; manslaughter in  
35 the first degree as defined in section 125.20, aggravated manslaughter  
36 in the first degree as defined in section 125.22, [~~rape~~] sexual battery  
37 in the first degree as defined in section 130.35, criminal sexual act in  
38 the first degree as defined in section 130.50, aggravated sexual abuse  
39 in the first degree as defined in section 130.70, course of sexual  
40 conduct against a child in the first degree as defined in section  
41 130.75; assault in the first degree as defined in section 120.10,  
42 kidnapping in the second degree as defined in section 135.20, burglary  
43 in the first degree as defined in section 140.30, arson in the second  
44 degree as defined in section 150.15, robbery in the first degree as  
45 defined in section 160.15, sex trafficking as defined in paragraphs (a)  
46 and (b) of subdivision five of section 230.34, sex trafficking of a  
47 child as defined in section 230.34-a, incest in the first degree as  
48 defined in section 255.27, criminal possession of a weapon in the first  
49 degree as defined in section 265.04, criminal use of a firearm in the  
50 first degree as defined in section 265.09, criminal sale of a firearm in  
51 the first degree as defined in section 265.13, aggravated assault upon a  
52 police officer or a peace officer as defined in section 120.11, gang  
53 assault in the first degree as defined in section 120.07, intimidating a  
54 victim or witness in the first degree as defined in section 215.17,  
55 hindering prosecution of terrorism in the first degree as defined in  
56 section 490.35, criminal possession of a chemical weapon or biological

1 weapon in the second degree as defined in section 490.40, and criminal  
2 use of a chemical weapon or biological weapon in the third degree as  
3 defined in section 490.47.

4 (c) Class D violent felony offenses: an attempt to commit any of the  
5 class C felonies set forth in paragraph (b); reckless assault of a child  
6 as defined in section 120.02, assault in the second degree as defined in  
7 section 120.05, menacing a police officer or peace officer as defined in  
8 section 120.18, stalking in the first degree, as defined in subdivision  
9 one of section 120.60, strangulation in the second degree as defined in  
10 section 121.12, [~~rape~~] sexual battery in the second degree as defined in  
11 section 130.30, criminal sexual act in the second degree as defined in  
12 section 130.45, sexual abuse in the first degree as defined in section  
13 130.65, course of sexual conduct against a child in the second degree as  
14 defined in section 130.80, aggravated sexual abuse in the third degree  
15 as defined in section 130.66, facilitating a sex offense with a  
16 controlled substance as defined in section 130.90, labor trafficking as  
17 defined in paragraphs (a) and (b) of subdivision three of section  
18 135.35, criminal possession of a weapon in the third degree as defined  
19 in subdivision five, six, seven, eight, nine or ten of section 265.02,  
20 criminal sale of a firearm in the third degree as defined in section  
21 265.11, intimidating a victim or witness in the second degree as defined  
22 in section 215.16, soliciting or providing support for an act of terror-  
23 ism in the second degree as defined in section 490.10, and making a  
24 terroristic threat as defined in section 490.20, falsely reporting an  
25 incident in the first degree as defined in section 240.60, placing a  
26 false bomb or hazardous substance in the first degree as defined in  
27 section 240.62, placing a false bomb or hazardous substance in a sports  
28 stadium or arena, mass transportation facility or enclosed shopping mall  
29 as defined in section 240.63, aggravated unpermitted use of indoor pyro-  
30 technics in the first degree as defined in section 405.18, and criminal  
31 manufacture, sale, or transport of an undetectable firearm, rifle or  
32 shotgun as defined in section 265.50.

33 § 9. The opening paragraph of subdivision 3 and subdivision 5 of  
34 section 125.25 of the penal law, the opening paragraph of subdivision 3  
35 as amended by chapter 264 of the laws of 2003 and subdivision 5 as  
36 amended by chapter 320 of the laws of 2006, are amended to read as  
37 follows:

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

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

1 § 10. Subparagraph (vii) of paragraph (a) of subdivision 1 of section  
2 125.27 of the penal law, as amended by chapter 264 of the laws of 2003,  
3 is amended to read as follows:

4 (vii) the victim was killed while the defendant was in the course of  
5 committing or attempting to commit and in furtherance of robbery,  
6 burglary in the first degree or second degree, kidnapping in the first  
7 degree, arson in the first degree or second degree, [~~rape~~] sexual  
8 battery in the first degree, criminal sexual act in the first degree,  
9 sexual abuse in the first degree, aggravated sexual abuse in the first  
10 degree or escape in the first degree, or in the course of and further-  
11 ance of immediate flight after committing or attempting to commit any  
12 such crime or in the course of and furtherance of immediate flight after  
13 attempting to commit the crime of murder in the second degree; provided  
14 however, the victim is not a participant in one of the aforementioned  
15 crimes and, provided further that, unless the defendant's criminal  
16 liability under this subparagraph is based upon the defendant having  
17 commanded another person to cause the death of the victim or intended  
18 victim pursuant to section 20.00 of this chapter, this subparagraph  
19 shall not apply where the defendant's criminal liability is based upon  
20 the conduct of another pursuant to section 20.00 of this chapter; or

21 § 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision  
22 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as  
23 amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivi-  
24 sion 3 as amended by section 2 of part G of chapter 501 of the laws of  
25 2012, are amended to read as follows:

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

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

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

45 3. In any prosecution for the crime of [~~rape~~] sexual battery in the  
46 third degree as defined in section 130.25, criminal sexual act in the  
47 third degree as defined in section 130.40, aggravated sexual abuse in  
48 the fourth degree as defined in section 130.65-a, or sexual abuse in the  
49 third degree as defined in section 130.55 in which incapacity to consent  
50 is based on the circumstances set forth in paragraph (h) of subdivision  
51 three of section 130.05 of this article it shall be an affirmative  
52 defense that the client or patient consented to such conduct charged  
53 after having been expressly advised by the health care or mental health  
54 care provider that such conduct was not performed for a valid medical  
55 purpose.

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

4 A person is guilty of predatory sexual assault when he or she commits  
5 the crime of [~~rape~~] sexual battery in the first degree, criminal sexual  
6 act in the first degree, aggravated sexual abuse in the first degree, or  
7 course of sexual conduct against a child in the first degree, as defined  
8 in this article, and when:

9 2. He or she has engaged in conduct constituting the crime of [~~rape~~]  
10 sexual battery in the first degree, criminal sexual act in the first  
11 degree, aggravated sexual abuse in the first degree, or course of sexual  
12 conduct against a child in the first degree, as defined in this article,  
13 against one or more additional persons; or

14 § 14. Section 130.96 of the penal law, as added by chapter 107 of the  
15 laws of 2006, is amended to read as follows:

16 § 130.96 Predatory sexual assault against a child.

17 A person is guilty of predatory sexual assault against a child when,  
18 being eighteen years old or more, he or she commits the crime of [~~rape~~]  
19 sexual battery in the first degree, criminal sexual act in the first  
20 degree, aggravated sexual abuse in the first degree, or course of sexual  
21 conduct against a child in the first degree, as defined in this article,  
22 and the victim is less than thirteen years old.

23 Predatory sexual assault against a child is a class A-II felony.

24 § 15. Subdivision 2 of section 240.75 of the penal law, as amended by  
25 section 8 of part NN of chapter 55 of the laws of 2018, is amended to  
26 read as follows:

27 2. A "specified offense" is an offense defined in section 120.00  
28 (assault in the third degree); section 120.05 (assault in the second  
29 degree); section 120.10 (assault in the first degree); section 120.13  
30 (menacing in the first degree); section 120.14 (menacing in the second  
31 degree); section 120.15 (menacing in the third degree); section 120.20  
32 (reckless endangerment in the second degree); section 120.25 (reckless  
33 endangerment in the first degree); section 120.45 (stalking in the  
34 fourth degree); section 120.50 (stalking in the third degree); section  
35 120.55 (stalking in the second degree); section 120.60 (stalking in the  
36 first degree); section 121.11 (criminal obstruction of breathing or  
37 blood circulation); section 121.12 (strangulation in the second degree);  
38 section 121.13 (strangulation in the first degree); subdivision one of  
39 section 125.15 (manslaughter in the second degree); subdivision one, two  
40 or four of section 125.20 (manslaughter in the first degree); section  
41 125.25 (murder in the second degree); section 130.20 (sexual miscon-  
42 duct); section 130.30 [~~rape~~] (sexual battery in the second degree);  
43 section 130.35 [~~rape~~] (sexual battery in the first degree); section  
44 130.40 (criminal sexual act in the third degree); section 130.45 (crimi-  
45 nal sexual act in the second degree); section 130.50 (criminal sexual  
46 act in the first degree); section 130.52 (forcible touching); section  
47 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the  
48 third degree); section 130.60 (sexual abuse in the second degree);  
49 section 130.65 (sexual abuse in the first degree); section 130.66  
50 (aggravated sexual abuse in the third degree); section 130.67 (aggra-  
51 vated sexual abuse in the second degree); section 130.70 (aggravated  
52 sexual abuse in the first degree); section 130.91 (sexually motivated  
53 felony); section 130.95 (predatory sexual assault); section 130.96  
54 (predatory sexual assault against a child); section 135.05 (unlawful  
55 imprisonment in the second degree); section 135.10 (unlawful imprison-  
56 ment in the first degree); section 135.60 (coercion in the third

1 degree); section 135.61 (coercion in the second degree); section 135.65  
2 (coercion in the first degree); section 140.20 (burglary in the third  
3 degree); section 140.25 (burglary in the second degree); section 140.30  
4 (burglary in the first degree); section 145.00 (criminal mischief in the  
5 fourth degree); section 145.05 (criminal mischief in the third degree);  
6 section 145.10 (criminal mischief in the second degree); section 145.12  
7 (criminal mischief in the first degree); section 145.14 (criminal  
8 tampering in the third degree); section 215.50 (criminal contempt in the  
9 second degree); section 215.51 (criminal contempt in the first degree);  
10 section 215.52 (aggravated criminal contempt); section 240.25 (harass-  
11 ment in the first degree); subdivision one, two or four of section  
12 240.30 (aggravated harassment in the second degree); aggravated family  
13 offense as defined in this section or any attempt or conspiracy to  
14 commit any of the foregoing offenses where the defendant and the person  
15 against whom the offense was committed were members of the same family  
16 or household as defined in subdivision one of section 530.11 of the  
17 criminal procedure law.

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

20 § 255.26 Incest in the second degree.

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

28 Incest in the second degree is a class D felony.

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

31 § 255.27 Incest in the first degree.

32 A person is guilty of incest in the first degree when he or she  
33 commits the crime of [~~rape~~] sexual battery in the first degree, as  
34 defined in subdivision three or four of section 130.35 of this part, or  
35 criminal sexual act in the first degree, as defined in subdivision three  
36 or four of section 130.50 of this part, against a person whom he or she  
37 knows to be related to him or her, whether through marriage or not, as  
38 an ancestor, descendant, brother or sister of either the whole or half  
39 blood, uncle, aunt, nephew or niece.

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

41 § 18. Paragraph (a) of subdivision 1 of section 460.10 of the penal  
42 law, as amended by chapter 134 of the laws of 2019, is amended to read  
43 as follows:

44 (a) Any of the felonies set forth in this chapter: sections 120.05,  
45 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
46 ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
47 sections 130.25, 130.30 and 130.35 relating to [~~rape~~] sexual battery;  
48 sections 135.20 and 135.25 relating to kidnapping; sections 135.35 and  
49 135.37 relating to labor trafficking; section 135.65 relating to coer-  
50 cion; sections 140.20, 140.25 and 140.30 relating to burglary; sections  
51 145.05, 145.10 and 145.12 relating to criminal mischief; article one  
52 hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and  
53 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and  
54 177.25 relating to health care fraud; article one hundred sixty relating  
55 to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to crim-  
56 inal possession of stolen property; sections 165.72 and 165.73 relating

1 to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,  
2 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,  
3 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,  
4 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20  
5 and 178.25 relating to criminal diversion of prescription medications  
6 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,  
7 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,  
8 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19 relating to bribery;  
9 sections 187.10, 187.15, 187.20 and 187.25 relating to residential mort-  
10 gage fraud, sections 190.40 and 190.42 relating to criminal usury;  
11 section 190.65 relating to schemes to defraud; any felony defined in  
12 article four hundred ninety-six; sections 205.60 and 205.65 relating to  
13 hindering prosecution; sections 210.10, 210.15, and 215.51 relating to  
14 perjury and contempt; section 215.40 relating to tampering with physical  
15 evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31,  
16 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and  
17 220.77 relating to controlled substances; sections 225.10 and 225.20  
18 relating to gambling; sections 230.25, 230.30, and 230.32 relating to  
19 promoting prostitution; section 230.34 relating to sex trafficking;  
20 section 230.34-a relating to sex trafficking of a child; sections  
21 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10  
22 and 263.15 relating to promoting a sexual performance by a child;  
23 sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the  
24 provisions of section 265.10 which constitute a felony relating to  
25 firearms and other dangerous weapons; sections 265.14 and 265.16 relat-  
26 ing to criminal sale of a firearm; section 265.50 relating to the crimi-  
27 nal manufacture, sale or transport of an undetectable firearm, rifle or  
28 shotgun; section 275.10, 275.20, 275.30, or 275.40 relating to unauthor-  
29 ized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating  
30 to money laundering; or

31 § 19. Subdivision 3 of section 485.05 of the penal law, as amended by  
32 section 3 of part R of chapter 55 of the laws of 2020, is amended to  
33 read as follows:

34 3. A "specified offense" is an offense defined by any of the following  
35 provisions of this chapter: section 120.00 (assault in the third  
36 degree); section 120.05 (assault in the second degree); section 120.10  
37 (assault in the first degree); section 120.12 (aggravated assault upon a  
38 person less than eleven years old); section 120.13 (menacing in the  
39 first degree); section 120.14 (menacing in the second degree); section  
40 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
41 germent in the second degree); section 120.25 (reckless endangerment in  
42 the first degree); section 121.12 (strangulation in the second degree);  
43 section 121.13 (strangulation in the first degree); subdivision one of  
44 section 125.15 (manslaughter in the second degree); subdivision one, two  
45 or four of section 125.20 (manslaughter in the first degree); section  
46 125.25 (murder in the second degree); section 120.45 (stalking in the  
47 fourth degree); section 120.50 (stalking in the third degree); section  
48 120.55 (stalking in the second degree); section 120.60 (stalking in the  
49 first degree); subdivision one of section 130.35 [~~rape~~] (sexual battery  
50 in the first degree); subdivision one of section 130.50 (criminal sexual  
51 act in the first degree); subdivision one of section 130.65 (sexual  
52 abuse in the first degree); paragraph (a) of subdivision one of section  
53 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of  
54 subdivision one of section 130.70 (aggravated sexual abuse in the first  
55 degree); section 135.05 (unlawful imprisonment in the second degree);  
56 section 135.10 (unlawful imprisonment in the first degree); section

1 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in  
2 the first degree); section 135.60 (coercion in the third degree);  
3 section 135.61 (coercion in the second degree); section 135.65 (coercion  
4 in the first degree); section 140.10 (criminal trespass in the third  
5 degree); section 140.15 (criminal trespass in the second degree);  
6 section 140.17 (criminal trespass in the first degree); section 140.20  
7 (burglary in the third degree); section 140.25 (burglary in the second  
8 degree); section 140.30 (burglary in the first degree); section 145.00  
9 (criminal mischief in the fourth degree); section 145.05 (criminal  
10 mischief in the third degree); section 145.10 (criminal mischief in the  
11 second degree); section 145.12 (criminal mischief in the first degree);  
12 section 150.05 (arson in the fourth degree); section 150.10 (arson in  
13 the third degree); section 150.15 (arson in the second degree); section  
14 150.20 (arson in the first degree); section 155.25 (petit larceny);  
15 section 155.30 (grand larceny in the fourth degree); section 155.35  
16 (grand larceny in the third degree); section 155.40 (grand larceny in  
17 the second degree); section 155.42 (grand larceny in the first degree);  
18 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
19 the second degree); section 160.15 (robbery in the first degree);  
20 section 240.25 (harassment in the first degree); subdivision one, two or  
21 four of section 240.30 (aggravated harassment in the second degree);  
22 section 490.10 (soliciting or providing support for an act of terrorism  
23 in the second degree); section 490.15 (soliciting or providing support  
24 for an act of terrorism in the first degree); section 490.20 (making a  
25 terroristic threat); section 490.25 (crime of terrorism); section 490.30  
26 (hindering prosecution of terrorism in the second degree); section  
27 490.35 (hindering prosecution of terrorism in the first degree); section  
28 490.37 (criminal possession of a chemical weapon or biological weapon in  
29 the third degree); section 490.40 (criminal possession of a chemical  
30 weapon or biological weapon in the second degree); section 490.45 (crim-  
31 inal possession of a chemical weapon or biological weapon in the first  
32 degree); section 490.47 (criminal use of a chemical weapon or biological  
33 weapon in the third degree); section 490.50 (criminal use of a chemical  
34 weapon or biological weapon in the second degree); section 490.55 (crim-  
35 inal use of a chemical weapon or biological weapon in the first degree);  
36 or any attempt or conspiracy to commit any of the foregoing offenses.

37 § 20. Subdivision 11 of section 123 of the agriculture and markets  
38 law, as amended by chapter 392 of the laws of 2004 and such section as  
39 renumbered by section 18 of part T of chapter 59 of the laws of 2010, is  
40 amended to read as follows:

41 11. The owner shall not be liable pursuant to subdivision six, seven,  
42 eight, nine or ten of this section if the dog was coming to the aid or  
43 defense of a person during the commission or attempted commission of a  
44 murder, robbery, burglary, arson, [~~rape~~ sexual battery in the first  
45 degree as defined in subdivision one or two of section 130.35 of the  
46 penal law, criminal sexual act in the first degree as defined in subdivi-  
47 sion one or two of section 130.50 of the penal law or kidnapping with-  
48 in the dwelling or upon the real property of the owner of the dog and  
49 the dog injured or killed the person committing such criminal activity.

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

52 42. "Juvenile offender" means (1) a person, thirteen years old who is  
53 criminally responsible for acts constituting murder in the second degree  
54 as defined in subdivisions one and two of section 125.25 of the penal  
55 law, or such conduct as a sexually motivated felony, where authorized  
56 pursuant to section 130.91 of the penal law; and (2) a person fourteen

1 or fifteen years old who is criminally responsible for acts constituting  
2 the crimes defined in subdivisions one and two of section 125.25 (murder  
3 in the second degree) and in subdivision three of such section provided  
4 that the underlying crime for the murder charge is one for which such  
5 person is criminally responsible; section 135.25 (kidnapping in the  
6 first degree); 150.20 (arson in the first degree); subdivisions one and  
7 two of section 120.10 (assault in the first degree); 125.20 (manslaught-  
8 er in the first degree); subdivisions one and two of section 130.35  
9 [~~rape~~] (sexual battery in the first degree); subdivisions one and two  
10 of section 130.50 (criminal sexual act in the first degree); 130.70  
11 (aggravated sexual abuse in the first degree); 140.30 (burglary in the  
12 first degree); subdivision one of section 140.25 (burglary in the second  
13 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
14 first degree); subdivision two of section 160.10 (robbery in the second  
15 degree) of the penal law; or section 265.03 of the penal law, where such  
16 machine gun or such firearm is possessed on school grounds, as that  
17 phrase is defined in subdivision fourteen of section 220.00 of the penal  
18 law; or defined in the penal law as an attempt to commit murder in the  
19 second degree or kidnapping in the first degree, or such conduct as a  
20 sexually motivated felony, where authorized pursuant to section 130.91  
21 of the penal law.

22 § 22. Paragraphs (a), (a-1) and (a-2) of subdivision 2 of section  
23 30.10 of the criminal procedure law, paragraph (a) as amended and para-  
24 graphs (a-1) and (a-2) as added by chapter 315 of the laws of 2019, are  
25 amended to read as follows:

26 (a) A prosecution for a class A felony, or [~~rape~~] sexual battery in  
27 the first degree as defined in section 130.35 of the penal law, or a  
28 crime defined or formerly defined in section 130.50 of the penal law, or  
29 aggravated sexual abuse in the first degree as defined in section 130.70  
30 of the penal law, or course of sexual conduct against a child in the  
31 first degree as defined in section 130.75 of the penal law, or incest in  
32 the first degree as defined in section 255.27 of the penal law may be  
33 commenced at any time;

34 (a-1) A prosecution for [~~rape~~] sexual battery 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 of the penal law, or incest in the second degree as  
38 defined in section 255.26 of the penal law (where the crime committed is  
39 [~~rape~~] sexual battery in the second degree as defined in subdivision two  
40 of section 130.30 of the penal law or criminal sexual act in the second  
41 degree as defined in subdivision two of section 130.45) must be  
42 commenced within twenty years after the commission thereof or within ten  
43 years from when the offense is first reported to law enforcement, which-  
44 ever occurs earlier;

45 (a-2) A prosecution for [~~rape~~] sexual battery in the third degree as  
46 defined in subdivision one or three of section 130.25 of the penal law,  
47 or criminal sexual act in the third degree as defined in subdivision one  
48 or three of section 130.40 of the penal law must be commenced within ten  
49 years after the commission thereof;

50 § 23. The section heading of section 60.76 of the criminal procedure  
51 law, as added by chapter 432 of the laws of 1993, is amended to read as  
52 follows:

53 Rules of evidence; [~~rape~~] sexual battery crisis counselor evidence in  
54 certain cases.

1 § 24. Paragraph (h) of subdivision 3 of section 190.25 of the criminal  
2 procedure law, as amended by chapter 347 of the laws of 2014, is amended  
3 to read as follows:

4 (h) A social worker, [~~rape~~] sexual battery crisis counselor, psychol-  
5 ogist or other professional providing emotional support to a child  
6 witness twelve years old or younger, or a social worker or informal  
7 caregiver, as provided in subdivision two of section two hundred six of  
8 the elder law, for a vulnerable elderly person as provided in subdivi-  
9 sion three of section 260.31 of the penal law, who is called to give  
10 evidence in a grand jury proceeding concerning a crime defined in arti-  
11 cle one hundred twenty-one, article one hundred thirty, article two  
12 hundred sixty, section 120.10, 125.10, 125.15, 125.20, 125.25, 125.26,  
13 125.27, 255.25, 255.26 or 255.27 of the penal law provided that the  
14 district attorney consents. Such support person shall not provide the  
15 witness with an answer to any question or otherwise participate in such  
16 proceeding and shall first take an oath before the grand jury that he or  
17 she will keep secret all matters before such grand jury within his or  
18 her knowledge.

19 § 25. Paragraph (c) of subdivision 5 of section 190.32 of the criminal  
20 procedure law, as amended by chapter 91 of the laws of 1995, is amended  
21 to read as follows:

22 (c) A social worker, [~~rape~~] sexual battery crisis counselor, psychol-  
23 ogist or other professional providing emotional support to a child  
24 witness or to a special witness, as defined in subparagraph (ii) of  
25 paragraph (b) of subdivision one of this section, or any of those  
26 persons enumerated in paragraphs (a), (b), (c), (d), (e), (f) and (g) of  
27 subdivision three of section 190.25 may be present during the videotap-  
28 ing except that a doctor, nurse or other medical assistant also may be  
29 present if required by the attendant circumstances. Each person present,  
30 except the witness, must, if he has not previously taken a constitu-  
31 tional oath of office or an oath that he will keep secret all matters  
32 before a grand jury, must take an oath on the record that he will keep  
33 secret the videotaped examination.

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

37 (a) Except as provided in subdivision six of section 200.20 of this  
38 chapter, a grand jury may not indict (i) a person thirteen years of age  
39 for any conduct or crime other than conduct constituting a crime defined  
40 in subdivisions one and two of section 125.25 (murder in the second  
41 degree) or such conduct as a sexually motivated felony, where authorized  
42 pursuant to section 130.91 of the penal law; (ii) a person fourteen or  
43 fifteen years of age for any conduct or crime other than conduct consti-  
44 tuting a crime defined in subdivisions one and two of section 125.25  
45 (murder in the second degree) and in subdivision three of such section  
46 provided that the underlying crime for the murder charge is one for  
47 which such person is criminally responsible; 135.25 (kidnapping in the  
48 first degree); 150.20 (arson in the first degree); subdivisions one and  
49 two of section 120.10 (assault in the first degree); 125.20 (manslaught-  
50 er in the first degree); subdivisions one and two of section 130.35  
51 [~~rape~~] (sexual battery in the first degree); subdivisions one and two  
52 of section 130.50 (criminal sexual act in the first degree); 130.70  
53 (aggravated sexual abuse in the first degree); 140.30 (burglary in the  
54 first degree); subdivision one of section 140.25 (burglary in the second  
55 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
56 first degree); subdivision two of section 160.10 (robbery in the second

1 degree) of the penal law; subdivision four of section 265.02 of the  
2 penal law, where such firearm is possessed on school grounds, as that  
3 phrase is defined in subdivision fourteen of section 220.00 of the penal  
4 law; or section 265.03 of the penal law, where such machine gun or such  
5 firearm is possessed on school grounds, as that phrase is defined in  
6 subdivision fourteen of section 220.00 of the penal law; or defined in  
7 the penal law as an attempt to commit murder in the second degree or  
8 kidnapping in the first degree, or such conduct as a sexually motivated  
9 felony, where authorized pursuant to section 130.91 of the penal law.

10 § 27. Subparagraph (iii) of paragraph (g) of subdivision 5 of section  
11 220.10 of the criminal procedure law, as amended by chapter 264 of the  
12 laws of 2003, is amended to read as follows:

13 (iii) Where the indictment does not charge a crime specified in  
14 subparagraph (i) of this paragraph, the district attorney may recommend  
15 removal of the action to the family court. Upon making such recommenda-  
16 tion the district attorney shall submit a subscribed memorandum setting  
17 forth: (1) a recommendation that the interests of justice would best be  
18 served by removal of the action to the family court; and (2) if the  
19 indictment charges a thirteen year old with the crime of murder in the  
20 second degree, or a fourteen or fifteen year old with the crimes of  
21 [~~rape~~] sexual battery in the first degree as defined in subdivision one  
22 of section 130.35 of the penal law, or criminal sexual act in the first  
23 degree as defined in subdivision one of section 130.50 of the penal law,  
24 or an armed felony as defined in paragraph (a) of subdivision forty-one  
25 of section 1.20 of this chapter specific factors, one or more of which  
26 reasonably supports the recommendation, showing, (i) mitigating circum-  
27 stances that bear directly upon the manner in which the crime was  
28 committed, or (ii) where the defendant was not the sole participant in  
29 the crime, that the defendant's participation was relatively minor  
30 although not so minor as to constitute a defense to the prosecution, or  
31 (iii) possible deficiencies in proof of the crime, or (iv) where the  
32 juvenile offender has no previous adjudications of having committed a  
33 designated felony act, as defined in subdivision eight of section 301.2  
34 of the family court act, regardless of the age of the offender at the  
35 time of commission of the act, that the criminal act was not part of a  
36 pattern of criminal behavior and, in view of the history of the offen-  
37 der, is not likely to be repeated.

38 § 28. Subdivision 6 of section 300.50 of the criminal procedure law,  
39 as amended by chapter 264 of the laws of 2003, is amended to read as  
40 follows:

41 6. For purposes of this section, the offenses of [~~rape~~] sexual battery  
42 in the third degree as defined in subdivision three of section 130.25 of  
43 the penal law and criminal sexual act in the third degree as defined in  
44 subdivision three of section 130.40 of the penal law, are not lesser  
45 included offenses of [~~rape~~] sexual battery in the first degree, criminal  
46 sexual act in the first degree or any other offense. Notwithstanding the  
47 foregoing, either such offense may be submitted as a lesser included  
48 offense of the applicable first degree offense when (i) there is a  
49 reasonable view of the evidence which would support a finding that the  
50 defendant committed such lesser offense but did not commit the greater  
51 offense, and (ii) both parties consent to its submission.

52 § 29. Paragraph (c) of subdivision 2 of section 440.47 of the criminal  
53 procedure law, as added by chapter 31 of the laws of 2019, is amended to  
54 read as follows:

55 (c) An application for resentencing pursuant to this section must  
56 include at least two pieces of evidence corroborating the applicant's

1 claim that he or she was, at the time of the offense, a victim of domes-  
2 tic violence subjected to substantial physical, sexual or psychological  
3 abuse inflicted by a member of the same family or household as the  
4 applicant as such term is defined in subdivision one of section 530.11  
5 of this chapter.

6 At least one piece of evidence must be either a court record, pre-sen-  
7 tence report, social services record, hospital record, sworn statement  
8 from a witness to the domestic violence, law enforcement record, domes-  
9 tic incident report, or order of protection. Other evidence may include,  
10 but shall not be limited to, local and state department of corrections  
11 and community supervision records, a showing based in part on documenta-  
12 tion prepared at or near the time of the commission of the offense or  
13 the prosecution thereof tending to support the person's claim, or when  
14 there is verification of consultation with a licensed medical or mental  
15 health care provider, employee of a court acting within the scope of his  
16 or her employment, member of the clergy, attorney, social worker, or  
17 [~~rape~~] sexual battery crisis counselor as defined in section forty-five  
18 hundred ten of the civil practice law and rules, or other advocate  
19 acting on behalf of an agency that assists victims of domestic violence  
20 for the purpose of assisting such person with domestic violence victim  
21 counseling or support.

22 § 30. Paragraph (b) of subdivision 8 of section 700.05 of the criminal  
23 procedure law, as amended by chapter 134 of the laws of 2019, is amended  
24 to read as follows:

25 (b) Any of the following felonies: assault in the second degree as  
26 defined in section 120.05 of the penal law, assault in the first degree  
27 as defined in section 120.10 of the penal law, reckless endangerment in  
28 the first degree as defined in section 120.25 of the penal law, promot-  
29 ing a suicide attempt as defined in section 120.30 of the penal law,  
30 strangulation in the second degree as defined in section 121.12 of the  
31 penal law, strangulation in the first degree as defined in section  
32 121.13 of the penal law, criminally negligent homicide as defined in  
33 section 125.10 of the penal law, manslaughter in the second degree as  
34 defined in section 125.15 of the penal law, manslaughter in the first  
35 degree as defined in section 125.20 of the penal law, murder in the  
36 second degree as defined in section 125.25 of the penal law, murder in  
37 the first degree as defined in section 125.27 of the penal law, [~~rape~~]  
38 sexual battery in the third degree as defined in section 130.25 of the  
39 penal law, [~~rape~~] sexual battery in the second degree as defined in  
40 section 130.30 of the penal law, [~~rape~~] sexual battery in the first  
41 degree as defined in section 130.35 of the penal law, criminal sexual  
42 act in the third degree as defined in section 130.40 of the penal law,  
43 criminal sexual act in the second degree as defined in section 130.45 of  
44 the penal law, criminal sexual act in the first degree as defined in  
45 section 130.50 of the penal law, sexual abuse in the first degree as  
46 defined in section 130.65 of the penal law, unlawful imprisonment in the  
47 first degree as defined in section 135.10 of the penal law, kidnapping  
48 in the second degree as defined in section 135.20 of the penal law,  
49 kidnapping in the first degree as defined in section 135.25 of the penal  
50 law, labor trafficking as defined in section 135.35 of the penal law,  
51 aggravated labor trafficking as defined in section 135.37 of the penal  
52 law, custodial interference in the first degree as defined in section  
53 135.50 of the penal law, coercion in the first degree as defined in  
54 section 135.65 of the penal law, criminal trespass in the first degree  
55 as defined in section 140.17 of the penal law, burglary in the third  
56 degree as defined in section 140.20 of the penal law, burglary in the

1 second degree as defined in section 140.25 of the penal law, burglary in  
2 the first degree as defined in section 140.30 of the penal law, criminal  
3 mischief in the third degree as defined in section 145.05 of the penal  
4 law, criminal mischief in the second degree as defined in section 145.10  
5 of the penal law, criminal mischief in the first degree as defined in  
6 section 145.12 of the penal law, criminal tampering in the first degree  
7 as defined in section 145.20 of the penal law, arson in the fourth  
8 degree as defined in section 150.05 of the penal law, arson in the third  
9 degree as defined in section 150.10 of the penal law, arson in the  
10 second degree as defined in section 150.15 of the penal law, arson in  
11 the first degree as defined in section 150.20 of the penal law, grand  
12 larceny in the fourth degree as defined in section 155.30 of the penal  
13 law, grand larceny in the third degree as defined in section 155.35 of  
14 the penal law, grand larceny in the second degree as defined in section  
15 155.40 of the penal law, grand larceny in the first degree as defined in  
16 section 155.42 of the penal law, health care fraud in the fourth degree  
17 as defined in section 177.10 of the penal law, health care fraud in the  
18 third degree as defined in section 177.15 of the penal law, health care  
19 fraud in the second degree as defined in section 177.20 of the penal  
20 law, health care fraud in the first degree as defined in section 177.25  
21 of the penal law, robbery in the third degree as defined in section  
22 160.05 of the penal law, robbery in the second degree as defined in  
23 section 160.10 of the penal law, robbery in the first degree as defined  
24 in section 160.15 of the penal law, unlawful use of secret scientific  
25 material as defined in section 165.07 of the penal law, criminal  
26 possession of stolen property in the fourth degree as defined in section  
27 165.45 of the penal law, criminal possession of stolen property in the  
28 third degree as defined in section 165.50 of the penal law, criminal  
29 possession of stolen property in the second degree as defined by section  
30 165.52 of the penal law, criminal possession of stolen property in the  
31 first degree as defined by section 165.54 of the penal law, trademark  
32 counterfeiting in the second degree as defined in section 165.72 of the  
33 penal law, trademark counterfeiting in the first degree as defined in  
34 section 165.73 of the penal law, forgery in the second degree as defined  
35 in section 170.10 of the penal law, forgery in the first degree as  
36 defined in section 170.15 of the penal law, criminal possession of a  
37 forged instrument in the second degree as defined in section 170.25 of  
38 the penal law, criminal possession of a forged instrument in the first  
39 degree as defined in section 170.30 of the penal law, criminal  
40 possession of forgery devices as defined in section 170.40 of the penal  
41 law, falsifying business records in the first degree as defined in  
42 section 175.10 of the penal law, tampering with public records in the  
43 first degree as defined in section 175.25 of the penal law, offering a  
44 false instrument for filing in the first degree as defined in section  
45 175.35 of the penal law, issuing a false certificate as defined in  
46 section 175.40 of the penal law, criminal diversion of prescription  
47 medications and prescriptions in the second degree as defined in section  
48 178.20 of the penal law, criminal diversion of prescription medications  
49 and prescriptions in the first degree as defined in section 178.25 of  
50 the penal law, residential mortgage fraud in the fourth degree as  
51 defined in section 187.10 of the penal law, residential mortgage fraud  
52 in the third degree as defined in section 187.15 of the penal law, resi-  
53 dential mortgage fraud in the second degree as defined in section 187.20  
54 of the penal law, residential mortgage fraud in the first degree as  
55 defined in section 187.25 of the penal law, escape in the second degree  
56 as defined in section 205.10 of the penal law, escape in the first

1 degree as defined in section 205.15 of the penal law, absconding from  
2 temporary release in the first degree as defined in section 205.17 of  
3 the penal law, promoting prison contraband in the first degree as  
4 defined in section 205.25 of the penal law, hindering prosecution in the  
5 second degree as defined in section 205.60 of the penal law, hindering  
6 prosecution in the first degree as defined in section 205.65 of the  
7 penal law, sex trafficking as defined in section 230.34 of the penal  
8 law, sex trafficking of a child as defined in section 230.34-a of the  
9 penal law, criminal possession of a weapon in the third degree as  
10 defined in subdivisions two, three and five of section 265.02 of the  
11 penal law, criminal possession of a weapon in the second degree as  
12 defined in section 265.03 of the penal law, criminal possession of a  
13 weapon in the first degree as defined in section 265.04 of the penal  
14 law, manufacture, transport, disposition and defacement of weapons and  
15 dangerous instruments and appliances defined as felonies in subdivisions  
16 one, two, and three of section 265.10 of the penal law, sections 265.11,  
17 265.12 and 265.13 of the penal law, or prohibited use of weapons as  
18 defined in subdivision two of section 265.35 of the penal law, relating  
19 to firearms and other dangerous weapons, criminal manufacture, sale or  
20 transport of an undetectable firearm, rifle or shotgun as defined in  
21 section 265.50 of the penal law, or failure to disclose the origin of a  
22 recording in the first degree as defined in section 275.40 of the penal  
23 law;

24 § 31. Paragraph (a) of subdivision 2 and subdivision 3 of section  
25 720.10 of the criminal procedure law, paragraph (a) of subdivision 2 as  
26 amended by chapter 316 of the laws of 2006 and subdivision 3 as amended  
27 by chapter 264 of the laws of 2003, are amended to read as follows:

28 (a) the conviction to be replaced by a youthful offender finding is  
29 for (i) a class A-I or class A-II felony, or (ii) an armed felony as  
30 defined in subdivision forty-one of section 1.20, except as provided in  
31 subdivision three, or (iii) ~~rape~~ sexual battery in the first degree,  
32 criminal sexual act in the first degree, or aggravated sexual abuse,  
33 except as provided in subdivision three, or

34 3. Notwithstanding the provisions of subdivision two, a youth who has  
35 been convicted of an armed felony offense or of ~~rape~~ sexual battery in  
36 the first degree, criminal sexual act in the first degree, or aggravated  
37 sexual abuse is an eligible youth if the court determines that one or  
38 more of the following factors exist: (i) mitigating circumstances that  
39 bear directly upon the manner in which the crime was committed; or (ii)  
40 where the defendant was not the sole participant in the crime, the  
41 defendant's participation was relatively minor although not so minor as  
42 to constitute a defense to the prosecution. Where the court determines  
43 that the eligible youth is a youthful offender, the court shall make a  
44 statement on the record of the reasons for its determination, a tran-  
45 script of which shall be forwarded to the state division of criminal  
46 justice services, to be kept in accordance with the provisions of subdi-  
47 vision three of section eight hundred thirty-seven-a of the executive  
48 law.

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

52 4. Notwithstanding the provisions of subdivisions two and three of  
53 this section, the court shall, at the request of the district attorney,  
54 order removal of an action against a juvenile offender to the family  
55 court pursuant to the provisions of article seven hundred twenty-five of  
56 this title if, upon consideration of the criteria specified in subdivi-

1 sion two of section 722.22 of this article, it is determined that to do  
2 so would be in the interests of justice. Where, however, the felony  
3 complaint charges the juvenile offender with murder in the second degree  
4 as defined in section 125.25 of the penal law, [~~rape~~] sexual battery in  
5 the first degree as defined in subdivision one of section 130.35 of the  
6 penal law, criminal sexual act in the first degree as defined in subdivi-  
7 sion one of section 130.50 of the penal law, or an armed felony as  
8 defined in paragraph (a) of subdivision forty-one of section 1.20 of  
9 this chapter, a determination that such action be removed to the family  
10 court shall, in addition, be based upon a finding of one or more of the  
11 following factors: (i) mitigating circumstances that bear directly upon  
12 the manner in which the crime was committed; or (ii) where the defendant  
13 was not the sole participant in the crime, the defendant's participation  
14 was relatively minor although not so minor as to constitute a defense to  
15 the prosecution; or (iii) possible deficiencies in proof of the crime.

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

19 5. Notwithstanding subdivisions two and three of this section, at the  
20 request of the district attorney, the court shall order removal of an  
21 action against an adolescent offender charged with an offense listed in  
22 paragraph (a) of subdivision two of section 722.23 of this article, to  
23 the family court pursuant to the provisions of article seven hundred  
24 twenty-five of this title and upon consideration of the criteria speci-  
25 fied in subdivision two of section 722.22 of this article, it is deter-  
26 mined that to do so would be in the interests of justice. Where, howev-  
27 er, the felony complaint charges the adolescent offender with murder in  
28 the second degree as defined in section 125.25 of the penal law, [~~rape~~]  
29 sexual battery in the first degree as defined in subdivision one of  
30 section 130.35 of the penal law, criminal sexual act in the first degree  
31 as defined in subdivision one of section 130.50 of the penal law, or an  
32 armed felony as defined in paragraph (a) of subdivision forty-one of  
33 section 1.20 of this chapter, a determination that such action be  
34 removed to the family court shall, in addition, be based upon a finding  
35 of one or more of the following factors: (i) mitigating circumstances  
36 that bear directly upon the manner in which the crime was committed; or  
37 (ii) where the defendant was not the sole participant in the crime, the  
38 defendant's participation was relatively minor although not so minor as  
39 to constitute a defense to the prosecution; or (iii) possible deficien-  
40 cies in proof of the crime.

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

44 (b) with the consent of the district attorney, order removal of an  
45 action involving an indictment charging a juvenile offender with murder  
46 in the second degree as defined in section 125.25 of the penal law;  
47 [~~rape~~] sexual battery in the first degree, as defined in subdivision one  
48 of section 130.35 of the penal law; criminal sexual act in the first  
49 degree, as defined in subdivision one of section 130.50 of the penal  
50 law; or an armed felony as defined in paragraph (a) of subdivision  
51 forty-one of section 1.20 of this chapter, to the family court pursuant  
52 to the provisions of article seven hundred twenty-five of this title if  
53 the court finds one or more of the following factors: (i) mitigating  
54 circumstances that bear directly upon the manner in which the crime was  
55 committed; (ii) where the defendant was not the sole participant in the  
56 crime, the defendant's participation was relatively minor although not

1 so minor as to constitute a defense to the prosecution; or (iii) possi-  
2 ble deficiencies in the proof of the crime, and, after consideration of  
3 the factors set forth in subdivision two of this section, the court  
4 determined that removal of the action to the family court would be in  
5 the interests of justice.

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

8 § 213-c. Action by victim of conduct constituting certain sexual  
9 offenses. Notwithstanding any other limitation set forth in this arti-  
10 cle, except as provided in subdivision (b) of section two hundred eight  
11 of this article, all civil claims or causes of action brought by any  
12 person for physical, psychological or other injury or condition suffered  
13 by such person as a result of conduct which would constitute [~~rape~~]  
14 sexual battery in the first degree as defined in section 130.35 of the  
15 penal law, or [~~rape~~] sexual battery in the second degree as defined in  
16 subdivision two of section 130.30 of the penal law, or [~~rape~~] sexual  
17 battery in the third degree as defined in subdivision one or three of  
18 section 130.25 of the penal law, or criminal sexual act in the first  
19 degree as defined in section 130.50 of the penal law, or criminal sexual  
20 act in the second degree as defined in subdivision two of section 130.45  
21 of the penal law, or criminal sexual act in the third degree as defined  
22 in subdivision one or three of section 130.40 of the penal law, or  
23 incest in the first degree as defined in section 255.27 of the penal  
24 law, or incest in the second degree as defined in section 255.26 of the  
25 penal law (where the crime committed is [~~rape~~] sexual battery in the  
26 second degree as defined in subdivision two of section 130.30 of the  
27 penal law or criminal sexual act in the second degree as defined in  
28 subdivision two of section 130.45), or aggravated sexual abuse in the  
29 first degree as defined in section 130.70 of the penal law, or course of  
30 sexual conduct against a child in the first degree as defined in section  
31 130.75 of the penal law may be brought against any party whose inten-  
32 tional or negligent acts or omissions are alleged to have resulted in  
33 the commission of the said conduct, within twenty years. Nothing in this  
34 section shall be construed to require that a criminal charge be brought  
35 or a criminal conviction be obtained as a condition of bringing a civil  
36 cause of action or receiving a civil judgment pursuant to this section  
37 or be construed to require that any of the rules governing a criminal  
38 proceeding be applicable to any such civil action.

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

42 (b) Whenever it is shown that a criminal action against the same  
43 defendant has been commenced with respect to the event or occurrence  
44 from which a claim governed by this section arises, and such criminal  
45 action is for [~~rape~~] sexual battery in the first degree as defined in  
46 section 130.35 of the penal law, or criminal sexual act in the first  
47 degree as defined in section 130.50 of the penal law, or aggravated  
48 sexual abuse in the first degree as defined in section 130.70 of the  
49 penal law, or course of sexual conduct against a child in the first  
50 degree as defined in section 130.75 of the penal law, the plaintiff  
51 shall have at least five years from the termination of the criminal  
52 action as defined in section 1.20 of the criminal procedure law in which  
53 to commence the civil action, notwithstanding that the time in which to  
54 commence such action has already expired or has less than a year remain-  
55 ing.

1 § 37. Section 4510 of the civil practice law and rules, as amended by  
2 chapter 309 of the laws of 2021, is amended to read as follows:

3 § 4510. [~~Rape~~] Sexual battery crisis counselor or domestic violence  
4 advocate. (a) Definitions. When used in this section, the following  
5 terms shall have the following meanings:

6 1. "[~~Rape~~] Sexual battery crisis program" means any office, institu-  
7 tion or center which has been approved pursuant to subdivision fifteen  
8 of section two hundred six of the public health law, as added by chapter  
9 432 of the laws of 1993, offering counseling and assistance to clients  
10 concerning sexual offenses, sexual abuses or incest.

11 2. "[~~Rape~~] Sexual battery crisis counselor" means any person who has  
12 been certified by an approved [~~rape~~] sexual battery crisis program as  
13 having satisfied the training standards specified in subdivision fifteen  
14 of section two hundred six of the public health law, as added by chapter  
15 432 of the laws of 1993, and who, regardless of compensation, is acting  
16 under the direction and supervision of an approved [~~rape~~] sexual battery  
17 crisis program.

18 3. "Client" means (i) any person who is seeking or receiving the  
19 services of a [~~rape~~] sexual battery crisis counselor for the purpose of  
20 securing counseling or assistance concerning any sexual offenses, sexual  
21 abuse, incest or attempts to commit sexual offenses, sexual abuse, or  
22 incest, as defined in the penal law; or

23 (ii) any victim of domestic violence as defined in section four  
24 hundred fifty-nine-a of the social services law.

25 4. "Domestic violence program" means a residential program for victims  
26 of domestic violence or a non-residential program for victims of domes-  
27 tic violence as defined in section four hundred fifty-nine-a of the  
28 social services law or any similar program operated by an Indian tribe,  
29 as defined by section two of the Indian law.

30 5. "Domestic violence advocate" means any person who is acting under  
31 the direction and supervision of a licensed and approved domestic  
32 violence program and has satisfied the training standards required by  
33 the office of children and family services.

34 (b) Confidential information privileged. A [~~rape~~] sexual battery  
35 crisis counselor or domestic violence advocate shall not be required to  
36 disclose a communication made by his or her client to him or her, or  
37 advice given thereon, in the course of his or her services nor shall any  
38 clerk, stenographer or other person working for the same program as the  
39 [~~rape~~] sexual battery crisis counselor or domestic violence advocate or  
40 for the [~~rape~~] sexual battery crisis counselor or domestic violence  
41 advocate be allowed to disclose any such communication or advice given  
42 thereon nor shall any records made in the course of the services given  
43 to the client or recording of any communications made by or to a client  
44 be required to be disclosed, nor shall the client be compelled to  
45 disclose such communication or records, except:

46 1. that a [~~rape~~] sexual battery crisis counselor or domestic violence  
47 advocate may disclose such otherwise confidential communication to the  
48 extent authorized by the client;

49 2. that a [~~rape~~] sexual battery crisis counselor or domestic violence  
50 advocate shall not be required to treat as confidential a communication  
51 by a client which reveals the intent to commit a crime or harmful act;

52 3. that a domestic violence advocate shall not be required to treat as  
53 confidential a communication by a client which reveals a case of  
54 suspected child abuse or maltreatment pursuant to title six of article  
55 six of the social services law;

1 4. in a case in which the client waives the privilege by instituting  
2 charges against the [~~rape~~] sexual battery crisis counselor or domestic  
3 violence advocate or the [~~rape~~] sexual battery crisis program or domes-  
4 tic violence program and such action or proceeding involves confidential  
5 communications between the client and the [~~rape~~] sexual battery crisis  
6 counselor or domestic violence advocate.

7 (c) Who may waive the privilege. The privilege may only be waived if  
8 the client, the personal representative of a deceased client, or, in the  
9 case of a client who has been adjudicated incompetent or for whom a  
10 conservator has been appointed, the committee or conservator provides  
11 the [~~rape~~] sexual battery crisis counselor or domestic violence advocate  
12 with informed, written and reasonably time-limited consent.

13 (d) Limitation on waiver. A client who, for the purposes of obtaining  
14 compensation under article twenty-two of the executive law or insurance  
15 benefits, authorizes the disclosure of any privileged communication to  
16 an employee of the office of victim services or an insurance represen-  
17 tative shall not be deemed to have waived the privilege created by this  
18 section.

19 § 38. Paragraph (A) of subdivision 1 of section 111-a of the domestic  
20 relations law, as amended by chapter 371 of the laws of 2013, is amended  
21 to read as follows:

22 (A) [~~rape~~] sexual battery in first or second degree;

23 § 39. Paragraph (b) of subdivision 3-a of section 115-d of the domes-  
24 tic relations law, as amended by chapter 623 of the laws of 2008, is  
25 amended to read as follows:

26 (b) Notwithstanding any other provision of law to the contrary, a  
27 petition for certification as a qualified adoptive parent shall be  
28 denied where a criminal history record of the applicant reveals a  
29 conviction for (i) a felony conviction at any time involving: (1) child  
30 abuse or neglect; (2) spousal abuse; (3) a crime against a child,  
31 including child pornography; or (4) a crime involving violence, includ-  
32 ing [~~rape~~] sexual battery, sexual assault, or homicide, other than a  
33 crime involving physical assault or battery; or (ii) a felony conviction  
34 within the past five years for physical assault, battery, or a drug-re-  
35 lated offense.

36 § 40. Clause 1 of subparagraph (A) of paragraph (b) of subdivision 1-c  
37 of section 240 of the domestic relations law, as amended by chapter 182  
38 of the laws of 2019, is amended to read as follows:

39 (1) [~~rape~~] sexual battery in the first or second degree;

40 § 41. Subdivision 7 of section 6444 of the education law, as added by  
41 chapter 76 of the laws of 2015, is amended to read as follows:

42 7. Institutions that lack appropriate on-campus resources or services  
43 shall, to the extent practicable, enter into memoranda of understanding,  
44 agreements or collaborative partnerships with existing community-based  
45 organizations, including [~~rape-crisis~~] sexual battery-crisis centers and  
46 domestic violence shelters and assistance organizations, to refer  
47 students for assistance or make services available to students, includ-  
48 ing counseling, health, mental health, victim advocacy, and legal  
49 assistance, which may also include resources and services for the  
50 respondent.

51 § 42. Subdivision 4 of section 7605 of the education law, as amended  
52 by chapter 554 of the laws of 2013, is amended to read as follows:

53 4. The practice, conduct, activities, or services by any person  
54 licensed or otherwise authorized to practice nursing as a registered  
55 professional nurse or nurse practitioner within the state pursuant to  
56 article one hundred thirty-nine of this title or by any person licensed

1 or otherwise authorized to practice social work within the state pursu-  
2 ant to article one hundred fifty-four of this title, or by any person  
3 licensed or otherwise authorized to practice mental health counseling,  
4 marriage and family therapy, creative arts therapy, or psychoanalysis  
5 within the state pursuant to article one hundred sixty-three of this  
6 title, or any person licensed or otherwise authorized to practice  
7 applied behavior analysis within the state pursuant to article one  
8 hundred sixty-seven of this title or any individual who is credentialed  
9 under any law, including attorneys, [~~rape~~] sexual battery crisis counse-  
10 lers, certified alcoholism counselors, and certified substance abuse  
11 counselors from providing mental health services within their respective  
12 established authorities.

13 § 43. Paragraph (a) of subdivision 5 of section 7706 of the education  
14 law, as added by chapter 420 of the laws of 2002, is amended to read as  
15 follows:

16 (a) any individual who is credentialed under any law, including attor-  
17 neys, [~~rape~~] sexual battery crisis counselors, credentialed alcoholism  
18 and substance abuse counselors whose scope of practice includes the  
19 practices defined in section seventy-seven hundred one of this article  
20 from performing or claiming to perform work authorized by applicable  
21 provisions of this chapter and the mental hygiene law;

22 § 44. Subdivision 2 of section 8410 of the education law, as added by  
23 chapter 676 of the laws of 2002, is amended to read as follows:

24 2. Prohibit or limit any individual who is credentialed under any law,  
25 including attorneys, [~~rape~~] sexual battery crisis counselors, certified  
26 alcoholism counselors and certified substance abuse counselors from  
27 providing mental health services within their respective established  
28 authorities.

29 § 45. Clause (ii) of subparagraph 2 of paragraph (c) of subdivision 22  
30 of section 296 of the executive law, as added by chapter 176 of the laws  
31 of 2019, is amended to read as follows:

32 (ii) Obtaining services from a domestic violence shelter, program, or  
33 [~~rape~~] sexual battery crisis center as a result of domestic violence; or

34 § 46. Subdivision 1 and paragraph (a) of subdivision 13 of section 631  
35 of the executive law, subdivision 1 as separately amended by chapters  
36 189 and 295 of the laws of 2018 and paragraph (a) of subdivision 13 as  
37 amended by section 3 of subpart S of part XX of chapter 55 of the laws  
38 of 2020, are amended to read as follows:

39 1. No award shall be made unless the office finds that (a) a crime was  
40 committed, (b) such crime directly resulted in personal physical injury  
41 to or the exacerbation of a preexisting disability, or condition, or  
42 death of, the victim, and (c) criminal justice agency records show that  
43 such crime was promptly reported to the proper authorities; and in no  
44 case may an award be made where the criminal justice agency records show  
45 that such report was made more than one week after the occurrence of  
46 such crime unless the office, for good cause shown, finds the delay to  
47 have been justified. Notwithstanding the foregoing provisions of this  
48 subdivision, in cases involving an alleged sex offense as contained in  
49 article one hundred thirty of the penal law or incest as defined in  
50 section 255.25, 255.26 or 255.27 of the penal law or labor trafficking  
51 as defined in section 135.35 of the penal law or sex trafficking as  
52 defined in sections 230.34 and 230.34-a of the penal law or an offense  
53 chargeable as a family offense as described in section eight hundred  
54 twelve of the family court act or section 530.11 of the criminal proce-  
55 dure law, the criminal justice agency report need only be made within a  
56 reasonable time considering all the circumstances, including the

1 victim's physical, emotional and mental condition and family situation.  
2 For the purposes of this subdivision, "criminal justice agency" shall  
3 include, but not be limited to, a police department, a district attor-  
4 ney's office, and any other governmental agency having responsibility  
5 for the enforcement of the criminal laws of the state provided, however,  
6 that in cases involving such sex offense or family offense a criminal  
7 justice agency shall also mean a family court, a governmental agency  
8 responsible for child and/or adult protective services pursuant to title  
9 six of article six of the social services law and/or title one of arti-  
10 cle nine-B of the social services law, and any medical facility estab-  
11 lished under the laws of the state that provides a forensic physical  
12 examination for victims of [~~rape~~] sexual battery and sexual assault.

13 (a) Notwithstanding any other provision of law, rule, or regulation to  
14 the contrary, when any New York state accredited hospital, accredited  
15 sexual assault examiner program, or licensed health care provider  
16 furnishes services to any sexual assault survivor, including but not  
17 limited to a health care forensic examination in accordance with the sex  
18 offense evidence collection protocol and standards established by the  
19 department of health, such hospital, sexual assault examiner program, or  
20 licensed healthcare provider shall provide such services to the person  
21 without charge and shall bill the office directly. The office, in  
22 consultation with the department of health, shall define the specific  
23 services to be covered by the sexual assault forensic exam reimbursement  
24 fee, which must include at a minimum forensic examiner services, hospi-  
25 tal or healthcare facility services related to the exam, and any neces-  
26 sary related laboratory tests or pharmaceuticals; including but not  
27 limited to HIV post-exposure prophylaxis provided by a hospital emergen-  
28 cy room at the time of the forensic [~~rape~~] sexual battery examination  
29 pursuant to paragraph (c) of subdivision one of section twenty-eight  
30 hundred five-i of the public health law. For a person eighteen years of  
31 age or older, follow-up HIV post-exposure prophylaxis costs shall  
32 continue to be reimbursed according to established office procedure. The  
33 office, in consultation with the department of health, shall also gener-  
34 ate the necessary regulations and forms for the direct reimbursement  
35 procedure.

36 § 47. Paragraph (b) of subdivision 1 of section 641 of the executive  
37 law, as added by chapter 94 of the laws of 1984, is amended to read as  
38 follows:

39 (b) availability of appropriate public or private programs that  
40 provide counseling, treatment or support for crime victims, including  
41 but not limited to the following: [~~rape~~] sexual battery crisis centers,  
42 victim/witness assistance programs, elderly victim services, victim  
43 assistance hotlines and domestic violence shelters;

44 § 48. Subdivision 2-a of section 642 of the executive law, as amended  
45 by chapter 301 of the laws of 1991, paragraph (a) as amended by chapter  
46 320 of the laws of 2006, is amended to read as follows:

47 2-a. (a) All police departments, as that term is defined in subdivi-  
48 sion a of section eight hundred thirty-seven-c of this chapter, district  
49 attorneys' offices and presentment agencies, as that term is defined in  
50 subdivision twelve of section 301.2 of the family court act, shall  
51 provide a private setting for interviewing victims of a crime defined in  
52 article one hundred thirty or section 255.25, 255.26 or 255.27 of the  
53 penal law. For purposes of this subdivision, "private setting" shall  
54 mean an enclosed room from which the occupants are not visible or other-  
55 wise identifiable, and whose conversations cannot be heard, from outside  
56 such room. Only (i) those persons directly and immediately related to

1 the interviewing of a particular victim, (ii) the victim, (iii) a social  
2 worker, [~~rape~~] sexual battery crisis counselor, psychologist or other  
3 professional providing emotional support to the victim, unless the  
4 victim objects to the presence of such person and requests the exclusion  
5 of such person from the interview, and (iv) where appropriate, the  
6 parent or parents of the victim, if requested by the victim, shall be  
7 present during the interview of the victim.

8 (b) All police departments, as that term is defined in subdivision a  
9 of section eight hundred thirty-seven-c of this chapter, shall provide  
10 victims of a crime defined in article one hundred thirty of the penal  
11 law with the name, address, and telephone of the nearest [~~rape~~] sexual  
12 battery crisis center in writing.

13 § 49. The opening paragraph of paragraph (a) of subdivision 4 of  
14 section 840 of the executive law, as added by chapter 506 of the laws of  
15 2011, is amended to read as follows:

16 (a) Develop, maintain and disseminate, in consultation with [~~rape~~]  
17 sexual battery crisis centers experienced in assisting victims in this  
18 state, written policies and procedures consistent with applicable  
19 provisions of the family court act, domestic relations law, criminal  
20 procedure law and the penal law, regarding the investigation of and  
21 intervention by new and veteran police officers in crimes involving  
22 sexual assault. Such policies and procedures shall make provisions for  
23 education and training of new and veteran police officers in the inves-  
24 tigation and enforcement of crimes involving sexual assault under state  
25 law, including but not limited to:

26 § 50. The opening paragraph of subdivision (b) of section 117 of the  
27 family court act, as amended by chapter 7 of the laws of 2007, is  
28 amended to read as follows:

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

1 motivated felony, where authorized pursuant to section 130.91 of the  
2 penal law; (v) defined in section 120.05 (assault in the second degree)  
3 or 160.10 (robbery in the second degree) of the penal law committed by a  
4 person fourteen or fifteen years of age but only where there has been a  
5 prior finding by a court that such person has previously committed an  
6 act which, if committed by an adult, would be the crime of assault in  
7 the second degree, robbery in the second degree or any designated felony  
8 act specified in clause (i), (ii) or (iii) of this subdivision regard-  
9 less of the age of such person at the time of the commission of the  
10 prior act; or (vi) other than a misdemeanor, committed by a person at  
11 least seven but less than sixteen years of age, but only where there has  
12 been two prior findings by the court that such person has committed a  
13 prior act which, if committed by an adult would be a felony:

14 § 51. The opening paragraph of subdivision (b) of section 117 of the  
15 family court act, as amended by chapter 38 of the laws of 2022, is  
16 amended to read as follows:

17 For every juvenile delinquency proceeding under article three involv-  
18 ing an allegation of an act committed by a person which, if done by an  
19 adult, would be a crime (i) defined in sections 125.27 (murder in the  
20 first degree); 125.25 (murder in the second degree); 135.25 (kidnapping  
21 in the first degree); or 150.20 (arson in the first degree) of the penal  
22 law committed by a person thirteen, fourteen, fifteen, sixteen, or  
23 seventeen years of age; or such conduct committed as a sexually moti-  
24 vated felony, where authorized pursuant to section 130.91 of the penal  
25 law; (ii) defined in sections 120.10 (assault in the first degree);  
26 125.20 (manslaughter in the first degree); 130.35 [~~rape~~ (sexual  
27 battery in the first degree); 130.50 (criminal sexual act in the first  
28 degree); 130.70 (aggravated sexual abuse in the first degree); 135.20  
29 (kidnapping in the second degree), but only where the abduction involved  
30 the use or threat of use of deadly physical force; 150.15 (arson in the  
31 second degree); or 160.15 (robbery in the first degree) of the penal law  
32 committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen  
33 years of age; or such conduct committed as a sexually motivated felony,  
34 where authorized pursuant to section 130.91 of the penal law; (iii)  
35 defined in the penal law as an attempt to commit murder in the first or  
36 second degree or kidnapping in the first degree committed by a person  
37 thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such  
38 conduct committed as a sexually motivated felony, where authorized  
39 pursuant to section 130.91 of the penal law; (iv) defined in section  
40 140.30 (burglary in the first degree); subdivision one of section 140.25  
41 (burglary in the second degree); subdivision two of section 160.10  
42 (robbery in the second degree) of the penal law; or section 265.03 of  
43 the penal law, where such machine gun or such firearm is possessed on  
44 school grounds, as that phrase is defined in subdivision fourteen of  
45 section 220.00 of the penal law committed by a person fourteen, fifteen,  
46 sixteen, or seventeen years of age; or such conduct committed as a sexu-  
47 ally motivated felony, where authorized pursuant to section 130.91 of  
48 the penal law; (v) defined in section 120.05 (assault in the second  
49 degree) or 160.10 (robbery in the second degree) of the penal law  
50 committed by a person fourteen, fifteen, sixteen, or seventeen years of  
51 age but only where there has been a prior finding by a court that such  
52 person has previously committed an act which, if committed by an adult,  
53 would be the crime of assault in the second degree, robbery in the  
54 second degree or any designated felony act specified in clause (i), (ii)  
55 or (iii) of this subdivision regardless of the age of such person at the  
56 time of the commission of the prior act; or (vi) other than a misdemea-

1 nor, committed by a person at least twelve but less than eighteen years  
2 of age, but only where there have been two prior findings by the court  
3 that such person has committed a prior act which, if committed by an  
4 adult, would be a felony:

5 § 52. Subdivision 8 of section 301.2 of the family court act, as  
6 amended by section 57 of part WWW of chapter 59 of the laws of 2017, is  
7 amended to read as follows:

8 8. "Designated felony act" means an act which, if done by an adult,  
9 would be a crime: (i) defined in sections 125.27 (murder in the first  
10 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the  
11 first degree); or 150.20 (arson in the first degree) of the penal law  
12 committed by a person thirteen, fourteen, fifteen, or sixteen, or  
13 commencing October first, two thousand nineteen, seventeen years of age;  
14 or such conduct committed as a sexually motivated felony, where author-  
15 ized pursuant to section 130.91 of the penal law; (ii) defined in  
16 sections 120.10 (assault in the first degree); 125.20 (manslaughter in  
17 the first degree); 130.35 [~~rape~~] (sexual battery in the first degree);  
18 130.50 (criminal sexual act in the first degree); 130.70 (aggravated  
19 sexual abuse in the first degree); 135.20 (kidnapping in the second  
20 degree) but only where the abduction involved the use or threat of use  
21 of deadly physical force; 150.15 (arson in the second degree) or 160.15  
22 (robbery in the first degree) of the penal law committed by a person  
23 thirteen, fourteen, fifteen, or sixteen, or, commencing October first,  
24 two thousand nineteen, seventeen years of age; or such conduct committed  
25 as a sexually motivated felony, where authorized pursuant to section  
26 130.91 of the penal law; (iii) defined in the penal law as an attempt to  
27 commit murder in the first or second degree or kidnapping in the first  
28 degree committed by a person thirteen, fourteen, fifteen, or sixteen, or  
29 commencing October first, two thousand nineteen, seventeen years of age;  
30 or such conduct committed as a sexually motivated felony, where author-  
31 ized pursuant to section 130.91 of the penal law; (iv) defined in  
32 section 140.30 (burglary in the first degree); subdivision one of  
33 section 140.25 (burglary in the second degree); subdivision two of  
34 section 160.10 (robbery in the second degree) of the penal law; or  
35 section 265.03 of the penal law, where such machine gun or such firearm  
36 is possessed on school grounds, as that phrase is defined in subdivision  
37 fourteen of section 220.00 of the penal law committed by a person four-  
38 teen or fifteen years of age; or such conduct committed as a sexually  
39 motivated felony, where authorized pursuant to section 130.91 of the  
40 penal law; (v) defined in section 120.05 (assault in the second degree)  
41 or 160.10 (robbery in the second degree) of the penal law committed by a  
42 person fourteen, fifteen, or sixteen or, commencing October first, two  
43 thousand nineteen, seventeen years of age but only where there has been  
44 a prior finding by a court that such person has previously committed an  
45 act which, if committed by an adult, would be the crime of assault in  
46 the second degree, robbery in the second degree or any designated felony  
47 act specified in paragraph (i), (ii), or (iii) of this subdivision  
48 regardless of the age of such person at the time of the commission of  
49 the prior act; (vi) other than a misdemeanor committed by a person at  
50 least seven but less than seventeen years of age, and commencing October  
51 first, two thousand nineteen, a person at least seven but less than  
52 eighteen years of age, but only where there has been two prior findings  
53 by the court that such person has committed a prior felony.

54 § 53. Subdivision 8 of section 301.2 of the family court act, as  
55 amended by chapter 38 of the laws of 2022, is amended to read as  
56 follows:

1 8. "Designated felony act" means an act which, if done by an adult,  
2 would be a crime: (i) defined in sections 125.27 (murder in the first  
3 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the  
4 first degree); or 150.20 (arson in the first degree) of the penal law  
5 committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen  
6 years of age; or such conduct committed as a sexually motivated felony,  
7 where authorized pursuant to section 130.91 of the penal law; (ii)  
8 defined in sections 120.10 (assault in the first degree); 125.20  
9 (manslaughter in the first degree); 130.35 [~~rape~~] (sexual battery in  
10 the first degree); 130.50 (criminal sexual act in the first degree);  
11 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping  
12 in the second degree) but only where the abduction involved the use or  
13 threat of use of deadly physical force; 150.15 (arson in the second  
14 degree) or 160.15 (robbery in the first degree) of the penal law commit-  
15 ted by a person thirteen, fourteen, fifteen, sixteen, or seventeen years  
16 of age; or such conduct committed as a sexually motivated felony, where  
17 authorized pursuant to section 130.91 of the penal law; (iii) defined in  
18 the penal law as an attempt to commit murder in the first or second  
19 degree or kidnapping in the first degree committed by a person thirteen,  
20 fourteen, fifteen, sixteen, or seventeen years of age; or such conduct  
21 committed as a sexually motivated felony, where authorized pursuant to  
22 section 130.91 of the penal law; (iv) defined in section 140.30  
23 (burglary in the first degree); subdivision one of section 140.25  
24 (burglary in the second degree); subdivision two of section 160.10  
25 (robbery in the second degree) of the penal law; or section 265.03 of  
26 the penal law, where such machine gun or such firearm is possessed on  
27 school grounds, as that phrase is defined in subdivision fourteen of  
28 section 220.00 of the penal law committed by a person fourteen, fifteen,  
29 sixteen, or seventeen years of age; or such conduct committed as a sexu-  
30 ally motivated felony, where authorized pursuant to section 130.91 of  
31 the penal law; (v) defined in section 120.05 (assault in the second  
32 degree) or 160.10 (robbery in the second degree) of the penal law  
33 committed by a person fourteen, fifteen, sixteen or seventeen years of  
34 age but only where there has been a prior finding by a court that such  
35 person has previously committed an act which, if committed by an adult,  
36 would be the crime of assault in the second degree, robbery in the  
37 second degree or any designated felony act specified in paragraph (i),  
38 (ii), or (iii) of this subdivision regardless of the age of such person  
39 at the time of the commission of the prior act; (vi) other than a misde-  
40 meanor committed by a person at least twelve but less than eighteen  
41 years of age, but only where there have been two prior findings by the  
42 court that such person has committed a prior act which, if committed by  
43 an adult, would be a felony.

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

47 4. The probation service shall not adjust a case in which the child  
48 has allegedly committed a delinquent act which would be a crime defined  
49 in section 120.25, (reckless endangerment in the first degree), subdivi-  
50 sion one of section 125.15, (manslaughter in the second degree), subdivi-  
51 sion one of section 130.25, [~~rape~~] (sexual battery in the third  
52 degree), subdivision one of section 130.40, (criminal sexual act in the  
53 third degree), subdivision one or two of section 130.65, (sexual abuse  
54 in the first degree), section 135.65, (coercion in the first degree),  
55 section 140.20, (burglary in the third degree), section 150.10, (arson  
56 in the third degree), section 160.05, (robbery in the third degree),

1 subdivision two, three or four of section 265.02, (criminal possession  
2 of a weapon in the third degree), section 265.03, (criminal possession  
3 of a weapon in the second degree), or section 265.04, (criminal  
4 possession of a dangerous weapon in the first degree) of the penal law  
5 where the child has previously had one or more adjustments of a case in  
6 which such child allegedly committed an act which would be a crime spec-  
7 ified in this subdivision unless it has received written approval from  
8 the court and the appropriate presentment agency.

9 § 55. Paragraph (vii) of subdivision (a) of section 1046 of the family  
10 court act, as amended by chapter 432 of the laws of 1993, is amended to  
11 read as follows:

12 (vii) neither the privilege attaching to confidential communications  
13 between husband and wife, as set forth in section forty-five hundred two  
14 of the civil practice law and rules, nor the physician-patient and  
15 related privileges, as set forth in section forty-five hundred four of  
16 the civil practice law and rules, nor the psychologist-client privilege,  
17 as set forth in section forty-five hundred seven of the civil practice  
18 law and rules, nor the social worker-client privilege, as set forth in  
19 section forty-five hundred eight of the civil practice law and rules,  
20 nor the [~~rape~~] sexual battery crisis counselor-client privilege, as set  
21 forth in section forty-five hundred ten of the civil practice law and  
22 rules, shall be a ground for excluding evidence which otherwise would be  
23 admissible.

24 § 56. Subdivision 2 of section 399-yy of the general business law, as  
25 added by chapter 186 of the laws of 2019, is amended to read as follows:

26 2. Every cable television company, as defined in section two hundred  
27 twelve of the public service law, that provides television and/or tele-  
28 phone service to customers in New York under contract including, but not  
29 limited to a multi-year contract or bundled contract with such cable  
30 television company, shall allow a person to opt-out of such contract  
31 without charge when such person is a victim of domestic violence and  
32 request to opt-out in writing. Such victim of domestic violence shall  
33 provide to such cable television company any of the following documents,  
34 which shall relate to such domestic violence, within six months of the  
35 document's issuance: (a) a valid domestic violence incident report form,  
36 as such term is defined in subdivision fifteen of section eight hundred  
37 thirty-seven of the executive law; (b) a valid police report; (c) a  
38 valid order of protection; (d) a signed affidavit from a licensed  
39 medical or mental health care provider, employee of a court acting with-  
40 in the scope of his or her employment, social worker, a [~~rape~~] sexual  
41 battery crisis counselor, as defined in section forty-five hundred ten  
42 of the civil practice law and rules, or advocate acting on behalf of an  
43 agency that assists domestic violence victims. A claim for opting-out of  
44 such contract without charge shall be made in good faith. Such cable  
45 television company shall waive the otherwise applicable charges for such  
46 person requesting to opt-out of such contract.

47 § 57. Subdivision 1 of section 399-yyy of the general business law, as  
48 added by chapter 186 of the laws of 2019, is amended to read as follows:

49 1. Every direct broadcast satellite service provider, as defined in  
50 this section, that provides television and/or telephone services to  
51 customers in New York shall allow a person who is under contract includ-  
52 ing, but not limited to a multi-year contract or bundled contract with  
53 such satellite television company, to opt-out of such contract without  
54 charge when such a person is a victim of domestic violence and requests  
55 to opt-out in writing. Such victim of domestic violence shall provide to  
56 such satellite television company any of the following documents, which

1 shall relate to such domestic violence, within six months of the docu-  
2 ment's issuance: (a) a valid domestic violence incident report form, as  
3 such term is defined in subdivision fifteen of section eight hundred  
4 thirty-seven of the executive law; (b) a valid police report; (c) a  
5 valid order of protection; (d) a signed affidavit from a licensed  
6 medical or mental health care provider, employee of a court acting with-  
7 in the scope of his or her employment, social worker, a [~~rape~~] sexual  
8 battery crisis counselor, as defined in section forty-five hundred ten  
9 of the civil practice law and rules, or advocate acting on behalf of an  
10 agency that assists domestic violence victims. A claim for opting-out of  
11 such contract without charge shall be made in good faith. Such satel-  
12 lite television company shall waive the otherwise applicable charges for  
13 such person requesting to opt-out of such contract.

14 § 58. Subparagraph 5 of paragraph a of subdivision 2 of section 654-a  
15 of the general business law, as amended by chapter 17 of the laws of  
16 2013, is amended to read as follows:

17 (5) the purchaser of a contract signed by more than one purchaser  
18 provides to the operator a copy of any of the following, within six  
19 months of its issuance, involving domestic violence by another signatory  
20 of the same contract: (A) a valid domestic violence incident report form  
21 as such term is defined in subdivision fifteen of section eight hundred  
22 thirty-seven of the executive law; (B) a valid police report; (C) a  
23 valid order of protection; or (D) a signed affidavit from a licensed  
24 medical or mental health care provider, employee of a court acting with-  
25 in the scope of his or her employment, social worker, a [~~rape~~] sexual  
26 battery crisis counselor as defined in section forty-five hundred ten of  
27 the civil practice law and rules, or advocate acting on behalf of an  
28 agency that assists domestic violence victims. Paragraph d of this  
29 subdivision shall not apply to a purchaser canceling under this subpara-  
30 graph. A claim for termination under this subparagraph shall be made in  
31 good faith. Termination under this subparagraph shall require, and the  
32 provision of any of the items in (A) through (D) of this subparagraph,  
33 for the purposes of this subparagraph, shall be presumptive evidence of  
34 the continued existence of a substantial risk of physical or emotional  
35 harm to the purchaser or purchaser's child.

36 § 59. Section 4 of the judiciary law, as amended by chapter 1 of the  
37 laws of 2019, is amended to read as follows:

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

46 § 60. Clause (a) of subparagraph (iii) of paragraph a of subdivision 4  
47 of section 196-b of the labor law, as added by section 1 of part J of  
48 chapter 56 of the laws of 2020, is amended to read as follows:

49 (a) to obtain services from a domestic violence shelter, [~~rape~~] sexual  
50 battery crisis center, or other services program;

51 § 61. Subdivision 15 of section 206 of the public health law, as added  
52 by chapter 432 of the laws of 1993, is amended to read as follows:

53 15. (a) The commissioner shall promulgate rules and regulations which  
54 establish:

55 (i) procedures to review and approve [~~rape~~] sexual battery crisis  
56 programs that provide training to [~~rape~~] sexual battery crisis counse-

1 lors as defined in section four thousand five hundred ten of the civil  
2 practice law and rules;

3 (ii) minimum training standards for [~~rape~~] sexual battery crisis coun-  
4 selors;

5 (iii) procedures to enable approved [~~rape~~] sexual battery crisis  
6 programs to certify current and future [~~rape~~] sexual battery crisis  
7 counselors, including volunteer counselors, provided such [~~rape~~] sexual  
8 battery crisis counselors have met the minimum training standards as set  
9 forth in this subdivision; and

10 (iv) procedures to periodically review approved training programs to  
11 assure they continue to satisfy established standards.

12 (b) [~~Rape~~] Sexual battery crisis programs approved by the commissioner  
13 shall provide training programs consisting of at least thirty hours of  
14 pre-service training and within the first year of service at least ten  
15 hours of in-service training for [~~rape~~] sexual battery crisis counse-  
16 lers. This training shall include but not be limited to, instruction on  
17 the following:

18 (i) the dynamics of sexual offenses, sexual abuses or incest;

19 (ii) crisis intervention techniques;

20 (iii) client-counselor confidentiality requirements;

21 (iv) communication skills and intervention techniques;

22 (v) an overview of the state criminal justice system;

23 (vi) an update and review of state laws on sexual offenses, sexual  
24 abuse or incest;

25 (vii) the availability of state and community resources for clients;

26 (viii) working with a diverse population;

27 (ix) an overview of child abuse and maltreatment identification and  
28 reporting responsibilities; and

29 (x) information on the availability of medical and legal assistance  
30 for such clients.

31 (c) The department shall provide technical assistance to approved  
32 [~~rape~~] sexual battery crisis programs to implement training programs in  
33 accordance with the minimum standards set forth in this subdivision.

34 § 62. The article heading of article 6-A of the public health law, as  
35 added by chapter 1 of the laws of 2000, is amended to read as follows:

36 [~~RAPE~~] SEXUAL BATTERY CRISIS INTERVENTION AND PREVENTION  
37 PROGRAM

38 § 63. Section 695 of the public health law, as added by chapter 1 of  
39 the laws of 2000, is amended to read as follows:

40 § 695. Short title. This article shall be known and may be cited as  
41 the [~~"rape~~] "sexual battery crisis intervention and prevention act of  
42 two thousand".

43 § 64. Subdivisions 1, 5, 6, 7, 8 and 9 of section 695-a of the public  
44 health law, as added by chapter 1 of the laws of 2000 and subdivision 9  
45 as amended by chapter 264 of the laws of 2003, are amended to read as  
46 follows:

47 1. [~~"Rape~~] "Sexual battery crisis intervention and prevention program"  
48 means any program which has been approved by the department offering  
49 counseling and assistance to clients concerning sex offenses, sexual  
50 abuse, or incest.

51 5. "Client" means any person seeking or receiving the services of a  
52 [~~rape~~] sexual battery crisis counselor for the purpose of securing coun-  
53 seling or assistance concerning any sex offense, sexual abuse, incest,  
54 or attempt to commit a sex offense, sexual abuse, or incest.

1 6. "Hotline" means twenty-four-hour access to [~~rape~~] sexual battery  
2 crisis intervention and prevention services including telephone hotline  
3 and telephone counseling capabilities.

4 7. "Community prevention" means public education projects designed to  
5 encourage victim use of [~~rape~~] sexual battery crisis intervention  
6 services, educating the general public about the availability and  
7 significance of [~~rape~~] sexual battery crisis intervention services,  
8 providing sex offense, sexual abuse or incest prevention and personal  
9 safety information, providing other education programs which sensitize  
10 service providers and the general public about the nature of sex  
11 offenses, sexual abuse or incest and the needs of survivors of a sex  
12 offense, sexual abuse or incest. "Community prevention" also means and  
13 includes public education projects designed to teach the general public  
14 about the problem of acquaintance [~~rape~~] sexual battery, including but  
15 not limited to: (a) the importance of promptly respecting the decision  
16 of another person not to engage in sexual conduct; and (b) the right of  
17 every individual to make such a decision and have it respected.

18 8. "Recruitment and training programs" means programs designed to  
19 recruit and train staff or volunteers in a [~~rape~~] sexual battery crisis  
20 intervention and prevention program as well as training or education to  
21 other agencies participating in a community support system.

22 9. "Accompaniment services" means services that assure the presence of  
23 a trained [~~rape~~] sexual battery crisis worker to assist and support the  
24 client, at hospitals, law enforcement agencies, district attorneys'  
25 offices, courts and other agencies.

26 § 65. Subdivision 1 of section 695-b of the public health law, as  
27 added by chapter 1 of the laws of 2000, is amended to read as follows:

28 1. The department is hereby authorized to contract, within amounts  
29 appropriated, for the provision of [~~rape~~] sexual battery crisis inter-  
30 vention and prevention programs as provided herein. Rules, regulations  
31 and guidelines as shall be necessary or appropriate to assure successful  
32 implementation of this program shall be promulgated by the department.

33 § 66. Paragraph (b) of subdivision 1, subdivision 3, subparagraph 3 of  
34 paragraph (a) and subparagraph 3 of paragraph (b) of subdivision 4-b,  
35 subdivision 5, and subparagraph 1 of paragraph (a) of subdivision 6 of  
36 section 2805-i of the public health law, as amended by chapter 504 of  
37 the laws of 1994, paragraph (b) of subdivision 1 as separately amended  
38 by section 1 of subpart S and section 2 of subpart A of part XX of chap-  
39 ter 55 of the laws of 2020, subparagraph 3 of paragraph (a) of subdivi-  
40 sion 4-b and subdivision 5 as amended by chapter 1 of the laws of 2000,  
41 subparagraph 3 of paragraph (b) of subdivision 4-b as amended by section  
42 3 of subpart A of part XX of chapter 55 of the laws of 2020, and subpar-  
43 agraph 1 of paragraph (a) of subdivision 6 as amended by section 4 of  
44 subpart A of part XX of chapter 55 of the laws of 2020, are amended to  
45 read as follows:

46 (b) informing sexual offense victims of the availability of [~~rape~~]  
47 sexual battery crisis and local victim assistance organizations, if any,  
48 in the geographic area served by the hospital, and contacting a [~~rape~~]  
49 sexual battery crisis or local victim assistance organization to estab-  
50 lish the coordination of non-medical services, including but not limited  
51 to transportation within the geographic area served by that organiza-  
52 tion, upon the conclusion of initial medical services, free of charge  
53 from the medical facility to sexual offense victims who request such  
54 coordination and services;

55 3. Upon admittance or commencement of treatment of the alleged sexual  
56 offense victim, the hospital shall advise the victim of the availability

1 of the services of a local [~~rape~~] sexual battery crisis or victim  
2 assistance organization, if any, to accompany the victim through the  
3 sexual offense examination. If after receiving such advice the sexual  
4 offense victim wishes the presence of a [~~rape~~] sexual battery crisis or  
5 victim assistance advocate, the hospital shall contact the appropriate  
6 organization and request that one be provided, provided, however, that  
7 if in the professional judgment of the treating practitioner a delay in  
8 treatment is detrimental to the provision of medical treatment, then  
9 examination or treatment need not be delayed pending the arrival of such  
10 advocate and further provided that the presence or continued presence of  
11 such advocate does not interfere with the provision of necessary medical  
12 care to the victim.

13 (3) the capacity of the hospital site to coordinate services for  
14 victims of sexual offenses including medical treatment, [~~rape~~] sexual  
15 battery crisis counseling, psychological support, law enforcement  
16 assistance and forensic evidence collection;

17 (3) Promptly after the examination is completed, the victim shall be  
18 permitted to shower, be provided with a change of clothing, be informed  
19 that a [~~rape~~] sexual battery crisis or victim assistance organization  
20 providing victim assistance to the geographic area served by that hospi-  
21 tal is available to provide transportation within the geographic area  
22 served by that organization, upon the conclusion of initial medical  
23 services, free of charge from the medical facility, and receive follow-  
24 up information, counseling, medical treatment and referrals for same.

25 5. The commissioner shall promulgate such rules and regulations as may  
26 be necessary and proper to carry out effectively the provisions of this  
27 section. Prior to promulgating such rules and regulations, the commis-  
28 sioner shall consult with relevant police agencies, forensic laborato-  
29 ries, [~~rape~~] sexual battery crisis centers, hospitals, and other such  
30 persons as the commissioner deems necessary. Such rules and regulations  
31 shall identify the offenses subject to the provisions of this section,  
32 provide a specific definition of sexual offense evidence and require  
33 each hospital to contact its local police agency and forensic laboratory  
34 to determine their specific needs or requirements.

35 (1) consult with a local [~~rape~~] sexual battery crisis or local victim  
36 assistance organization, to have a representative of such organization  
37 accompany the victim through the sexual offense examination, to have  
38 such an organization be summoned by the medical facility, police agency,  
39 prosecutorial agency or other law enforcement agency before the  
40 commencement of the physical examination or interview, pursuant to this  
41 section, and to have such organization provide transportation within the  
42 geographic area served by that organization, free of charge from the  
43 medical facility to sexual offense victims who request such services  
44 upon discharge;

45 § 67. Section 2805-p of the public health law, as added by chapter 625  
46 of the laws of 2003, is amended to read as follows:

47 § 2805-p. Emergency treatment of [~~rape~~] sexual battery survivors. 1.  
48 As used in this section:

49 (a) "Emergency contraception" shall mean one or more prescription  
50 drugs used separately or in combination to be administered or self-ad-  
51 ministered by a patient to prevent pregnancy within a medically recom-  
52 mended amount of time after sexual intercourse and dispensed for that  
53 purpose in accordance with professional standards of practice and deter-  
54 mined by the United States Food and Drug Administration to be safe.

1 (b) "Emergency treatment" shall mean any medical examination or treat-  
2 ment provided by a hospital to a [~~rape~~] sexual battery survivor follow-  
3 ing an alleged [~~rape~~] sexual battery.

4 (c) [~~"Rape"~~] "Sexual battery" shall mean any act defined in section  
5 130.25, 130.30 or 130.35 of the penal law.

6 (d) [~~"Rape"~~] "Sexual battery survivor" or "survivor" shall mean any  
7 female person who alleges or is alleged to have been [~~raped~~] sexually  
8 battered and who presents as a patient.

9 2. Every hospital providing emergency treatment to a [~~rape~~] sexual  
10 battery survivor shall promptly:

11 (a) provide such survivor with written information prepared or  
12 approved, pursuant to subdivision three of this section, relating to  
13 emergency contraception;

14 (b) orally inform such survivor of the availability of emergency  
15 contraception, its use and efficacy; and

16 (c) provide emergency contraception to such survivor, unless contrain-  
17 dicated, upon her request. No hospital may be required to provide emer-  
18 gency contraception to a [~~rape~~] sexual battery survivor who is pregnant.

19 3. The commissioner shall develop, prepare and produce informational  
20 materials relating to emergency contraception for distribution to and  
21 use in all hospitals in the state, in quantities sufficient to comply  
22 with the requirements of this section. The commissioner may also approve  
23 informational materials from medically recognized sources for the  
24 purposes of this section. Such informational material shall be in clear  
25 and concise language, readily comprehensible, in such varieties and  
26 forms as the commissioner shall deem necessary to inform survivors in  
27 English and languages other than English. Such materials shall explain  
28 the nature of emergency contraception including its use and efficacy.

29 4. The commissioner shall promulgate all such rules and regulations as  
30 may be necessary and proper to implement the provisions of this section.

31 § 68. Section 48-a of the public service law, as added by chapter 517  
32 of the laws of 2021, is amended to read as follows:

33 § 48-a. Utility services; domestic violence victims. Every utility  
34 corporation shall allow a person who is under a shared contract with  
35 such utility corporation and who is a victim of domestic violence, to  
36 opt-out of such contract without charge when such person requests to  
37 opt-out in writing and provides to such utility corporation any of the  
38 following documents, which shall relate to such domestic violence, with-  
39 in six months of the document's issuance: (a) a valid domestic violence  
40 incident report form, as such term is defined in subdivision fifteen of  
41 section eight hundred thirty-seven of the executive law; (b) a valid  
42 police report; (c) a valid order of protection; (d) a signed affidavit  
43 from a licensed medical or mental health care provider, employee of a  
44 court acting within the scope of his or her employment, social worker, a  
45 [~~rape~~] sexual battery crisis counselor, as defined in section forty-five  
46 hundred ten of the civil practice law and rules, or advocate acting on  
47 behalf of an agency that assists domestic violence victims. A claim for  
48 opting-out of such contract without charge shall be made in good faith.  
49 Such utility corporation shall waive the otherwise applicable charges  
50 for such person requesting to opt-out of such contract.

51 § 69. Subdivision 8 of section 91 of the public service law, as added  
52 by chapter 186 of the laws of 2019, is amended to read as follows:

53 8. Every telephone corporation, as defined in this chapter, shall  
54 allow a person who is under contract including, but not limited to, a  
55 multi-year contract or bundle contract with such telephone corporation,  
56 to opt-out of such contract without charge when such person is a victim

1 of domestic violence and requests to opt-out in writing. Such victim of  
2 domestic violence shall provide to such telephone corporation any of the  
3 following documents, which shall relate to such domestic violence, with-  
4 in six months of the document's issuance: (a) a valid domestic violence  
5 incident report form, as such term is defined in subdivision fifteen of  
6 section eight hundred thirty-seven of the executive law; (b) a valid  
7 police report; (c) a valid order of protection; (d) a signed affidavit  
8 from a licensed medical or mental health care provider, employee of a  
9 court acting within the scope of his or her employment, social worker, a  
10 [~~rape~~] sexual battery crisis counselor, as defined in section forty-five  
11 hundred ten of the civil practice law and rules, or advocate acting on  
12 behalf of an agency that assists domestic violence victims. A claim for  
13 opting-out of such contract without charge shall be made in good faith.  
14 Such telephone corporation shall waive the otherwise applicable charges  
15 for such person requesting to opt-out of such contract.

16 § 70. Paragraph (b) of subdivision 20 of section 131 of the social  
17 services law, as added by chapter 427 of the laws of 2009, is amended to  
18 read as follows:

19 (b) [~~rape~~] sexual battery crisis centers; and

20 § 71. Clause (A) of subparagraph 1 of paragraph (e) of subdivision 2  
21 of section 378-a of the social services law, as amended by chapter 92 of  
22 the laws of 2021, is amended to read as follows:

23 (A) a felony conviction at any time involving: (i) child abuse or  
24 neglect; (ii) spousal abuse; (iii) a crime against a child, including  
25 child pornography; or (iv) a crime involving violence, including [~~rape~~]  
26 sexual battery, sexual assault, or homicide, other than a crime involv-  
27 ing physical assault or battery; or

28 § 72. Paragraph (A) of subdivision 1 of section 384-c of the social  
29 services law, as amended by chapter 371 of the laws of 2013, is amended  
30 to read as follows:

31 (A) [~~rape~~] sexual battery in first or second degree;

32 § 73. Section 6-125 of the administrative code of the city of New  
33 York, as added by local law number 26 of the city of New York for the  
34 year 2003, is amended to read as follows:

35 § 6-125. a. For the purposes of this section only, the following terms  
36 shall have the following meanings:

37 (1) "City agency" means a city, county, borough, administration,  
38 department, division bureau, board or commission, or a corporation,  
39 institution or agency of government the expenses of which are paid in  
40 whole or in part from the city treasury, but shall not include the  
41 health and hospitals corporation.

42 (2) "Covered agreement" means any agreement, including but not limited  
43 to, memoranda of understanding, and excluding contracts, entered into on  
44 or after the effective date of the local law that added this section,  
45 between a hospital and a city agency.

46 (3) "Covered contract" means any contract entered into on or after the  
47 effective date of the local law that added this section, between a  
48 hospital and a city agency.

49 (4) "Emergency contraception" shall mean one or more prescription  
50 drugs, used separately or in combination, to be administered to or self-  
51 administered by a patient in a dosage and manner intended to prevent  
52 pregnancy when used within a medically recommended amount of time  
53 following sexual intercourse and dispensed for that purpose in accord-  
54 ance with professional standards of practice, and which has been found  
55 safe and effective for such use by the United States food and drug  
56 administration.

1 (5) "Hospital" means any facility operating pursuant to article 28 of  
2 the public health law which provides emergency medical care.

3 (6) [~~rape~~] "Sexual battery victim" means any female person who  
4 alleges or is alleged to have been [~~raped~~] sexually battered and  
5 presents to a hospital.

6 b. No city agency shall enter into a covered agreement or covered  
7 contract with any hospital that does not contain a provision whereby  
8 such hospital agrees to inform [~~rape~~] sexual battery victims presenting  
9 to its emergency department of the availability of emergency contracep-  
10 tion and, if requested, to administer, if medically appropriate, such  
11 contraception in a timely manner.

12 c. No city agency shall enter into a covered agreement or covered  
13 contract with any hospital that does not contain a provision whereby  
14 such hospital agrees to provide the department of health and mental  
15 hygiene, on an annual basis, a report indicating the following informa-  
16 tion with respect to each reporting period: i) the number of [~~rape~~]  
17 sexual battery victims treated in such hospital's emergency department;  
18 ii) the number of [~~rape~~] sexual battery victims treated in such hospi-  
19 tal's emergency department which were offered emergency contraception;  
20 iii) the number of [~~rape~~] sexual battery victims treated in such hospi-  
21 tal's emergency department for whom the administration of emergency  
22 contraception was not medically indicated and a brief explanation of the  
23 contraindication; and iv) the number of times emergency contraception  
24 was accepted or declined by a [~~rape~~] sexual battery victim treated in  
25 such hospital's emergency department.

26 d. No city agency shall enter into a covered agreement or covered  
27 contract with any hospital that does not contain a provision whereby  
28 such hospital agrees to provide the department of health and mental  
29 hygiene with a copy of its protocol for treatment of victims of sexual  
30 assault, which hospitals are required to establish pursuant to section  
31 405.19 of title 10 of the codes, rules and regulations of the state of  
32 New York; provided however, that such hospital shall be required to  
33 provide such protocol upon amendment or renewal of a covered agreement  
34 or covered contract only if such protocol has been amended since the  
35 date such hospital initially entered into such covered agreement or  
36 covered contract.

37 e. A hospital shall be liable for a civil penalty of not less than  
38 five thousand dollars upon a determination that such hospital has been  
39 found, through litigation or arbitration, to have made a false claim  
40 with respect to its provision of information to [~~rape~~] sexual battery  
41 victims regarding the availability of emergency contraception or its  
42 provision of emergency contraception, if medically indicated, to [~~rape~~]  
43 sexual battery victims in a timely manner.

44 § 74. Paragraphs 22, 23 and 24 of subdivision b and paragraph 8 of  
45 subdivision c of section 9-156 of the administrative code of the city of  
46 New York, as added by local law number 21 of the city of New York for  
47 the year 2019, are amended to read as follows:

48 22. Whether a [~~rape~~] sexual battery kit was administered, declined or  
49 not applicable;

50 23. If a [~~rape~~] sexual battery kit was deemed not applicable, whether  
51 that determination was the result of a delay in reporting, due to the  
52 type of abuse alleged to have occurred, or any other reason;

53 24. Whether a sexual assault nurse examiner or sexual assault response  
54 team was present during the administration of a [~~rape~~] sexual battery  
55 kit; and

1 8. Whether the alleged victim was referred to trauma or [~~rape~~] sexual  
2 battery crisis services following the incident and if the victim  
3 accepted or declined such services while in custody;

4 § 75. The opening paragraph of paragraph 4 of subdivision a of section  
5 14-150 of the administrative code of the city of New York, as separately  
6 amended by local law numbers 71 and 108 of the city of New York for the  
7 year 2016, is amended to read as follows:

8 A crime status report. Such report shall include the total number of  
9 crime complaints (categorized by class of crime, indicating whether the  
10 crime is a misdemeanor or felony) for each patrol precinct, including a  
11 subset of housing bureau and transit bureau complaints within each  
12 precinct; arrests (categorized by class of crime, indicating whether the  
13 arrest is for a misdemeanor or felony) for each patrol precinct, housing  
14 police service area, transit district, street crime unit and narcotics  
15 division; summons activity (categorized by type of summons, indicating  
16 whether the summons is a parking violation, moving violation, environ-  
17 mental control board notice of violation, or criminal summons) for each  
18 patrol precinct, housing police service area and transit district;  
19 domestic violence radio runs for each patrol precinct; average response  
20 time for critical and serious crimes in progress for each patrol  
21 precinct; overtime statistics for each patrol borough and operational  
22 bureau performing an enforcement function within the police department,  
23 including, but not limited to, each patrol precinct, housing police  
24 service area, transit district and patrol borough street crime unit, as  
25 well as the narcotics division, fugitive enforcement division and the  
26 special operations division, including its subdivisions, but shall not  
27 include internal investigative commands and shall not include undercover  
28 officers assigned to any command. Such report shall also include the  
29 total number of complaints of all sex offenses as defined in article 130  
30 of the New York state penal law, in total and disaggregated by the  
31 following offenses: [~~rape~~] sexual battery as defined in sections 130.25,  
32 130.30, and 130.35; criminal sexual act as defined in sections 130.40,  
33 130.45, and 130.50; misdemeanor sex offenses as defined in sections  
34 130.20, 130.52, 130.55, and 130.60; sexual abuse as defined in sections  
35 130.65, 130.65-a, 130.66, 130.67, and 130.70; course of sexual conduct  
36 against a child as defined in sections 130.75 and 130.80; and predatory  
37 sexual assault as defined in sections 130.95 and 130.96. Such report  
38 shall also include the total number of major felony crime complaints for  
39 properties under the jurisdiction of the department of parks and recre-  
40 ation, pursuant to the following timetable:

41 § 76. Paragraph 3 of subdivision a of section 14-161 of the adminis-  
42 trative code of the city of New York, as added by local law number 110  
43 of the city of New York for the year 2016, is amended to read as  
44 follows:

45 3. the number of reported [~~rapes~~] sexual batteries related to domestic  
46 violence;

47 § 77. Paragraph 2 of subdivision b of section 14-171 of the adminis-  
48 trative code of the city of New York, as added by local law number 42 of  
49 the city of New York for the year 2018, is amended to read as follows:

50 2. [~~Rape~~] Sexual battery as defined in article 130 of the penal law;

51 § 78. Subdivision b of section 14-180 of the administrative code of  
52 the city of New York, as added by local law number 194 of the city of  
53 New York for the year 2018, is amended to read as follows:

54 b. Special victims training program. The department, after considering  
55 information from outside experts, shall develop and implement a victim-  
56 centered special victims training program designed to develop skills

1 related to the investigation of sexual crimes and the specific needs of  
2 victims of sexual crimes. The curriculum shall consider nationally  
3 recognized best practices and factors contributing to the additional  
4 complexity of sexual assault investigations including the depth of  
5 victimization, the negative social consequences of sexual assault, the  
6 trauma and neurobiological damage inflicted by sexual assault, the  
7 complexity of victim management, the falsity or partially truthful  
8 disclosure of complaints, the large unreported rate of sexual assaults  
9 and any other training deemed relevant to sexual assault cases by the  
10 commissioner. Such program shall include the following training compo-  
11 nents: the Forensic Experiential Trauma Interview method, specialized  
12 investigative training for sexual assault cases including non-stranger  
13 sexual assault and controlled communications, district attorney based  
14 training related to legal evidentiary standards and penal law article  
15 130 crimes, Sexual Assault Forensic Examiner training, Sex Offender  
16 Registration Act training, hospital based training, victim advocate  
17 based training and any other training courses currently offered by the  
18 NYPD for special victims investigators including but not limited to DNA  
19 evidence, investigation of complex cases, drug-facilitated sexual  
20 assault, neurobiology of sexual assault, [~~rape~~ sexual battery crisis  
21 counselor training, peer based investigative process training, abusive  
22 head trauma training and any other training deemed relevant to sexual  
23 assault cases by the commissioner, except that the commissioner may  
24 eliminate a training component or replace a training component with an  
25 alternative component in order to provide comprehensive victim-centered  
26 training. Such program shall include a proficiency examination or demon-  
27 stration for each training component and shall be of a length the  
28 commissioner determines is sufficient to ensure that special victims  
29 investigators are capable of utilizing such skills.

30 § 79. Subparagraph (a) of paragraph 1 of subdivision b of section  
31 20-914 of the administrative code of the city of New York, as amended by  
32 local law number 97 of the city of New York for the year 2020, is  
33 amended to read as follows:

34 (a) to obtain services from a domestic violence shelter, [~~rape~~ sexual  
35 battery crisis center, or other shelter or services program for relief  
36 from a family offense matter, sexual offense, stalking, or human traf-  
37 ficking;

38 § 80. This act shall take effect immediately; provided however, that  
39 if chapter 38 of the laws of 2022 shall not have taken effect on or  
40 before such date, then sections fifty-one and fifty-three of this act  
41 shall take effect on the same date and in the same manner as such chap-  
42 ter of the laws of 2022 takes effect.