

# STATE OF NEW YORK

3225--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including instances of sexual conduct against a child less than seventeen years of age to certain sex offenses

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

1 Section 1. Subdivisions 1 and 2 of section 130.75 of the penal law, as  
2 amended by chapter 1 of the laws of 2000, paragraphs (a) and (b) of  
3 subdivision 1 as amended by chapter 264 of the laws of 2003, are amended  
4 to read as follows:

5 [~~1~~] A person is guilty of course of sexual conduct against a child in  
6 the first degree when, over a period of time not less than three months  
7 in duration:

8 [~~(a)~~] 1. he or she engages in two or more acts of sexual conduct,  
9 which includes at least one act of sexual intercourse, oral sexual  
10 conduct, anal sexual conduct or aggravated sexual contact, with a child  
11 less than eleven years old; and includes at least one additional act of  
12 sexual conduct with the child when that child is less than seventeen  
13 years old; or

14 [~~(b)~~] 2. he or she, being eighteen years old or more, at the commence-  
15 ment of the course of sexual conduct, engages in two or more acts of  
16 sexual conduct, which include at least one act of sexual intercourse,  
17 oral sexual conduct, anal sexual conduct or aggravated sexual contact,  
18 with a child less than thirteen years old; and includes at least one  
19 additional act of sexual conduct with the child when that child is less  
20 than seventeen years old.

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

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1 ~~[2. A person may not be subsequently prosecuted for any other sexual~~  
2 ~~offense involving the same victim unless the other charged offense~~  
3 ~~occurred outside the time period charged under this section.]~~

4 § 2. Subdivisions 1 and 2 of section 130.80 of the penal law, as  
5 amended by chapter 1 of the laws of 2000, are amended to read as  
6 follows:

7 ~~[1.]~~ A person is guilty of course of sexual conduct against a child in  
8 the second degree when, over a period of time not less than three months  
9 in duration:

10 ~~[(a)]~~ 1. he or she engages in two or more acts of sexual conduct with  
11 a child, which includes at least one act of sexual conduct with the  
12 child when the child is less than eleven years old; and includes at  
13 least one additional act of sexual conduct with such child when the  
14 child is less than seventeen years old; or

15 ~~[(b)]~~ 2. he or she, being eighteen years old or more, at the commence-  
16 ment of the course of sexual conduct, engages in two or more acts of  
17 sexual conduct with a child, which includes at least one act of sexual  
18 conduct with the child when the child is less than thirteen years old;  
19 and includes at least one additional act of sexual conduct with such  
20 child when the child is less than seventeen years old.

21 ~~[2. A person may not be subsequently prosecuted for any other sexual~~  
22 ~~offense involving the same victim unless the other charged offense~~  
23 ~~occurred outside the time period charged under this section.]~~

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

26 § 130.96 Predatory sexual assault against a child.

27 A person is guilty of predatory sexual assault against a child when,  
28 being eighteen years old or more, he or she commits:

29 1. the crime of rape in the first degree, criminal sexual act in the  
30 first degree, or aggravated sexual abuse in the first degree, [~~or course~~  
31 ~~of sexual conduct against a child in the first degree,~~] as defined in  
32 this article, and the victim is less than thirteen years old[~~;~~]; or

33 2. the crime of a course of sexual conduct against a child in the  
34 first degree, as defined in this article, and the person was eighteen  
35 years old or more and the victim was less than thirteen years old when  
36 the conduct commenced.

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

38 § 4. This act shall take effect immediately.