

# STATE OF NEW YORK

6319--A

Cal. No. 209

2021-2022 Regular Sessions

## IN ASSEMBLY

March 12, 2021

Introduced by M. of A. CRUZ, GRIFFIN, BURDICK, TAYLOR, BARNWELL, ZEBROWSKI, DINOWITZ, VANEL, SIMON, BURGOS, L. ROSENTHAL, GONZALEZ-ROJAS, PERRY, JACOBSON, OTIS, PRETLOW, STIRPE, FERNANDEZ, CLARK, GLICK, BICHOTTE HERMELYN, LAVINE -- read once and referred to the Committee on Codes -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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

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

- 1 Section 1. Sections 130.40, 130.45 and 130.50 of the penal law are  
2 REPEALED.
- 3 § 2. Subdivisions 1 and 2 of section 130.00 of the penal law, subdivi-  
4 sion 2 as amended by chapter 264 of the laws of 2003, are amended to  
5 read as follows:
- 6 1. "[~~Sexual intercourse~~] Vaginal sexual contact" [~~has its ordinary~~  
7 ~~meaning and occurs upon any penetration, however slight~~] means conduct  
8 between persons consisting of contact between the penis and the vagina  
9 or vulva.
- 10 2. (a) "Oral sexual [~~conduct~~] contact" means conduct between persons  
11 consisting of contact between the mouth and the penis, the mouth and the  
12 anus, or the mouth and the vulva or vagina.
- 13 (b) "Anal sexual [~~conduct~~] contact" means conduct between persons  
14 consisting of contact between the penis and anus.
- 15 § 3. Section 130.25 of the penal law, as amended by chapter 1 of the  
16 laws of 2000, is amended to read as follows:
- 17 § 130.25 Rape in the third degree.

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

LBD02448-03-2

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

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

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

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

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

14 ~~3.]~~ 5. Being twenty-one years old or more, he or she engages in oral  
15 sexual contact with another person less than seventeen years old;

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

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

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

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

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

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

30 § 130.30 Rape in the second degree.

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

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

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

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

39 4. he or she engages in [~~sexual intercourse~~] vaginal sexual contact  
40 with another person who is incapable of consent by reason of being  
41 mentally disabled or mentally incapacitated[~~+~~];

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

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

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

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

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

55 § 130.35 Rape in the first degree.

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

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

3 [~~1-~~] (a) By forcible compulsion; or

4 [~~2-~~] (b) Who is incapable of consent by reason of being physically  
 5 helpless; or

6 [~~3-~~] (c) Who is less than eleven years old; or

7 [~~4-~~] (d) Who is less than thirteen years old and the actor is eighteen  
 8 years old or more[+];

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

10 (a) By forcible compulsion; or

11 (b) Who is incapable of consent by reason of being physically help-  
 12 less; or

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

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

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

17 (a) By forcible compulsion; or

18 (b) Who is incapable of consent by reason of being physically help-  
 19 less; or

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

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

23 Rape in the first degree is a class B felony.

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

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

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

53 2. A person thirteen, fourteen or, fifteen years of age is criminally  
 54 responsible for acts constituting murder in the second degree as defined  
 55 in subdivisions one and two of section 125.25 and in subdivision three  
 56 of such section provided that the underlying crime for the murder charge

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

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

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

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

32 (c) Class D violent felony offenses: an attempt to commit any of the  
33 class C felonies set forth in paragraph (b); reckless assault of a child  
34 as defined in section 120.02, assault in the second degree as defined in  
35 section 120.05, menacing a police officer or peace officer as defined in  
36 section 120.18, stalking in the first degree, as defined in subdivision  
37 one of section 120.60, strangulation in the second degree as defined in  
38 section 121.12, rape in the second degree as defined in section 130.30,  
39 ~~[criminal sexual act in the second degree as defined in section 130.45,~~  
40 sexual abuse in the first degree as defined in section 130.65, course of  
41 sexual conduct against a child in the second degree as defined in  
42 section 130.80, aggravated sexual abuse in the third degree as defined  
43 in section 130.66, facilitating a sex offense with a controlled  
44 substance as defined in section 130.90, labor trafficking as defined in  
45 paragraphs (a) and (b) of subdivision three of section 135.35, criminal  
46 possession of a weapon in the third degree as defined in subdivision  
47 five, six, seven, eight, nine or ten of section 265.02, criminal sale of  
48 a firearm in the third degree as defined in section 265.11, intimidating  
49 a victim or witness in the second degree as defined in section 215.16,  
50 soliciting or providing support for an act of terrorism in the second  
51 degree as defined in section 490.10, and making a terroristic threat as  
52 defined in section 490.20, falsely reporting an incident in the first  
53 degree as defined in section 240.60, placing a false bomb or hazardous  
54 substance in the first degree as defined in section 240.62, placing a  
55 false bomb or hazardous substance in a sports stadium or arena, mass  
56 transportation facility or enclosed shopping mall as defined in section

1 240.63, aggravated unpermitted use of indoor pyrotechnics in the first  
2 degree as defined in section 405.18, and criminal manufacture, sale, or  
3 transport of an undetectable firearm, rifle or shotgun as defined in  
4 section 265.50.

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

8 b. a crime defined in section 130.20, 130.25, 130.30, [~~130.40,~~  
9 ~~130.45,~~] 130.55, 130.60, 130.70, 255.25, 255.26 or 255.27;

10 § 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision  
11 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as  
12 amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivi-  
13 sion 3 as amended by section 2 of part G of chapter 501 of the laws of  
14 2012, are amended to read as follows:

15 (d) Where the offense charged is rape in the third degree as defined  
16 in [~~subdivision three~~] subdivision seven, eight or nine of section  
17 130.25, [~~or criminal sexual act in the third degree as defined in subdivi-~~  
18 ~~vision three of section 130.40,~~] in addition to forcible vaginal sexual  
19 contact compulsion, circumstances under which, at the time of the act of  
20 intercourse, oral sexual [~~conduct~~] contact or anal sexual [~~conduct~~]  
21 contact, the victim clearly expressed that he or she did not consent to  
22 engage in such act, and a reasonable person in the actor's situation  
23 would have understood such person's words and acts as an expression of  
24 lack of consent to such act under all the circumstances.

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

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

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

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

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

54 § 14. Subparagraph (vii) of paragraph (a) of subdivision 1 of section  
55 125.27 of the penal law, as amended by chapter 264 of the laws of 2003,  
56 is amended to read as follows:



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

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

20 3. In any prosecution for the crime of rape in the third degree as  
21 defined in section 130.25, [~~criminal sexual act in the third degree as~~  
22 ~~defined in section 130.40,~~] aggravated sexual abuse in the fourth degree  
23 as defined in section 130.65-a, or sexual abuse in the third degree as  
24 defined in section 130.55 in which incapacity to consent is based on the  
25 circumstances set forth in paragraph (h) of subdivision three of section  
26 130.05 of this article it shall be an affirmative defense that the  
27 client or patient consented to such conduct charged after having been  
28 expressly advised by the health care or mental health care provider that  
29 such conduct was not performed for a valid medical purpose.

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

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

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

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

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

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

54 2. A "specified offense" is an offense defined in section 120.00  
55 (assault in the third degree); section 120.05 (assault in the second  
56 degree); section 120.10 (assault in the first degree); section 120.13

1 (menacing in the first degree); section 120.14 (menacing in the second  
2 degree); section 120.15 (menacing in the third degree); section 120.20  
3 (reckless endangerment in the second degree); section 120.25 (reckless  
4 endangerment in the first degree); section 120.45 (stalking in the  
5 fourth degree); section 120.50 (stalking in the third degree); section  
6 120.55 (stalking in the second degree); section 120.60 (stalking in the  
7 first degree); section 121.11 (criminal obstruction of breathing or  
8 blood circulation); section 121.12 (strangulation in the second degree);  
9 section 121.13 (strangulation in the first degree); subdivision one of  
10 section 125.15 (manslaughter in the second degree); subdivision one, two  
11 or four of section 125.20 (manslaughter in the first degree); section  
12 125.25 (murder in the second degree); section 130.20 (sexual miscon-  
13 duct); section 130.25 (rape in the third degree); section 130.30 (rape  
14 in the second degree); section 130.35 (rape in the first degree);  
15 section 130.40 (criminal sexual act in the third degree); section 130.45  
16 (criminal sexual act in the second degree); section 130.50 (criminal  
17 sexual act in the first degree); section 130.52 (forcible touching);  
18 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse  
19 in the third degree); section 130.60 (sexual abuse in the second  
20 degree); section 130.65 (sexual abuse in the first degree); section  
21 130.66 (aggravated sexual abuse in the third degree); section 130.67  
22 (aggravated sexual abuse in the second degree); section 130.70 (aggra-  
23 vated sexual abuse in the first degree); section 130.91 (sexually moti-  
24 vated felony); section 130.95 (predatory sexual assault); section 130.96  
25 (predatory sexual assault against a child); section 135.05 (unlawful  
26 imprisonment in the second degree); section 135.10 (unlawful imprison-  
27 ment in the first degree); section 135.60 (coercion in the third  
28 degree); section 135.61 (coercion in the second degree); section 135.65  
29 (coercion in the first degree); section 140.20 (burglary in the third  
30 degree); section 140.25 (burglary in the second degree); section 140.30  
31 (burglary in the first degree); section 145.00 (criminal mischief in the  
32 fourth degree); section 145.05 (criminal mischief in the third degree);  
33 section 145.10 (criminal mischief in the second degree); section 145.12  
34 (criminal mischief in the first degree); section 145.14 (criminal  
35 tampering in the third degree); section 215.50 (criminal contempt in the  
36 second degree); section 215.51 (criminal contempt in the first degree);  
37 section 215.52 (aggravated criminal contempt); section 240.25 (harass-  
38 ment in the first degree); subdivision one, two or four of section  
39 240.30 (aggravated harassment in the second degree); aggravated family  
40 offense as defined in this section or any attempt or conspiracy to  
41 commit any of the foregoing offenses where the defendant and the person  
42 against whom the offense was committed were members of the same family  
43 or household as defined in subdivision one of section 530.11 of the  
44 criminal procedure law.

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

47 § 255.26 Incest in the second degree.

48 A person is guilty of incest in the second degree when he or she  
49 commits the crime of rape in the second degree, as defined in section  
50 130.30 of this part, [~~or criminal sexual act in the second degree, as~~  
51 ~~defined in section 130.45 of this part,~~] against a person whom he or she  
52 knows to be related to him or her, whether through marriage or not, as  
53 an ancestor, descendant, brother or sister of either the whole or the  
54 half blood, uncle, aunt, nephew or niece.

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

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

3 § 255.27 Incest in the first degree.

4 A person is guilty of incest in the first degree when he or she  
5 commits the crime of rape in the first degree, as defined in paragraph  
6 (c) or (d) of subdivision [~~three or four~~] one, paragraph (c) or (d) of  
7 subdivision two or paragraph (c) or (d) of subdivision three of section  
8 130.35 of this part[, ~~or criminal sexual act in the first degree, as~~  
9 ~~defined in subdivision three or four of section 130.50 of this part,~~]  
10 against a person whom he or she knows to be related to him or her,  
11 whether through marriage or not, as an ancestor, descendant, brother or  
12 sister of either the whole or half blood, uncle, aunt, nephew or niece.

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

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

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



1 the second degree); section 155.42 (grand larceny in the first degree);  
2 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
3 the second degree); section 160.15 (robbery in the first degree);  
4 section 240.25 (harassment in the first degree); subdivision one, two or  
5 four of section 240.30 (aggravated harassment in the second degree);  
6 section 490.10 (soliciting or providing support for an act of terrorism  
7 in the second degree); section 490.15 (soliciting or providing support  
8 for an act of terrorism in the first degree); section 490.20 (making a  
9 terroristic threat); section 490.25 (crime of terrorism); section 490.30  
10 (hindering prosecution of terrorism in the second degree); section  
11 490.35 (hindering prosecution of terrorism in the first degree); section  
12 490.37 (criminal possession of a chemical weapon or biological weapon in  
13 the third degree); section 490.40 (criminal possession of a chemical  
14 weapon or biological weapon in the second degree); section 490.45 (crim-  
15 inal possession of a chemical weapon or biological weapon in the first  
16 degree); section 490.47 (criminal use of a chemical weapon or biological  
17 weapon in the third degree); section 490.50 (criminal use of a chemical  
18 weapon or biological weapon in the second degree); section 490.55 (crim-  
19 inal use of a chemical weapon or biological weapon in the first degree);  
20 or any attempt or conspiracy to commit any of the foregoing offenses.

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

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

50 § 23. Paragraphs (a) and (b) of subdivision 1, the opening paragraph  
51 of subdivision 2 and paragraph (a) of subdivision 3 of section 140.20 of  
52 the criminal procedure law, paragraphs (a) and (b) of subdivision 1 as  
53 amended by chapter 324 of the laws of 1988, the opening paragraph of  
54 subdivision 2 and paragraph (a) of subdivision 3 as amended by chapter  
55 550 of the laws of 1987, are amended to read as follows:

1 (a) If the arrest is for an offense other than a class A, B, C or D  
2 felony or a violation of section 130.25, [~~130.40~~] 205.10, 205.17,  
3 205.19 or 215.56 of the penal law committed in a town, but not in a  
4 village thereof having a village court, and the town court of such town  
5 is not available at the time, the arrested person may be brought before  
6 the local criminal court of any village within such town or, any adjoining  
7 town, village embraced in whole or in part by such adjoining town,  
8 or city of the same county; and

9 (b) If the arrest is for an offense other than a class A, B, C or D  
10 felony or a violation of section 130.25, [~~130.40~~] 205.10, 205.17,  
11 205.19 or 215.56 of the penal law committed in a village having a  
12 village court and such court is not available at the time, the arrested  
13 person may be brought before the town court of the town embracing such  
14 village or any other village court within such town, or, if such town or  
15 village court is not available either, before the local criminal court  
16 of any adjoining town, village embraced in whole or in part by such  
17 adjoining town, or city of the same county; and

18 If the arrest is for an offense other than a class A, B, C or D felony  
19 or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or  
20 215.56 of the penal law, the arrested person need not be brought before  
21 a local criminal court as provided in subdivision one, and the procedure  
22 may instead be as follows:

23 (a) the arrest is for an offense other than a class A, B, C or D felo-  
24 ny or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or  
25 215.56 of the penal law, and

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

30 (a) the arrest is for an offense other than a class A, B, C or D felo-  
31 ny or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or  
32 215.56 of the penal law and

33 If the arrest is for an offense other than a class A, B, C or D felony  
34 or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or  
35 215.56 of the penal law, the arrested person need not be brought before  
36 a local criminal court as provided in subdivision two, and the procedure  
37 may instead be as follows:

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

42 (a) the arrest is for an offense other than a class A, B, C or D felo-  
43 ny or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or  
44 215.56 of the penal law and

45 If the arrest is for an offense other than a class A, B, C or D felony  
46 or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or  
47 215.56 of the penal law, the arrested person need not be brought before  
48 a local criminal court, as provided in subdivision one, and the proce-  
49 dure may instead be as follows:

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

53 (a) Whenever a police officer is authorized pursuant to section 140.10  
54 of this title to arrest a person without a warrant for an offense other  
55 than a class A, B, C or D felony or a violation of section 130.25,  
56 [~~130.40~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, he shall,

1 except as set out in paragraph (b) of this subdivision, subject to the  
2 provisions of subdivisions three and four of section 150.40 of this  
3 title, instead issue to and serve upon such person an appearance ticket.

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

7 (a) Except as provided in subdivision six of section 200.20 of this  
8 chapter, a grand jury may not indict (i) a person thirteen years of age  
9 for any conduct or crime other than conduct constituting a crime defined  
10 in subdivisions one and two of section 125.25 (murder in the second  
11 degree) or such conduct as a sexually motivated felony, where authorized  
12 pursuant to section 130.91 of the penal law; (ii) a person fourteen or  
13 fifteen years of age for any conduct or crime other than conduct consti-  
14 tuting a crime defined in subdivisions one and two of section 125.25  
15 (murder in the second degree) and in subdivision three of such section  
16 provided that the underlying crime for the murder charge is one for  
17 which such person is criminally responsible; 135.25 (kidnapping in the  
18 first degree); 150.20 (arson in the first degree); subdivisions one and  
19 two of section 120.10 (assault in the first degree); 125.20 (manslaught-  
20 er in the first degree); ~~subdivisions one and~~ paragraphs (a) and (b)  
21 of subdivision one, paragraphs (a) and (b) of subdivision two and para-  
22 graphs (a) and (b) of subdivision three of section 130.35 (rape in the  
23 first degree); ~~subdivisions one and two of section 130.50 (criminal~~  
24 ~~sexual act in the first degree);~~ 130.70 (aggravated sexual abuse in the  
25 first degree); 140.30 (burglary in the first degree); subdivision one of  
26 section 140.25 (burglary in the second degree); 150.15 (arson in the  
27 second degree); 160.15 (robbery in the first degree); subdivision two of  
28 section 160.10 (robbery in the second degree) of the penal law; ~~subdi-~~  
29 ~~vision four of section 265.02 of the penal law, where such firearm is~~  
30 ~~possessed on school grounds, as that phrase is defined in subdivision~~  
31 ~~fourteen of section 220.00 of the penal law;~~ or section 265.03 of the  
32 penal law, where such machine gun or such firearm is possessed on school  
33 grounds, as that phrase is defined in subdivision fourteen of section  
34 220.00 of the penal law; or defined in the penal law as an attempt to  
35 commit murder in the second degree or kidnapping in the first degree, or  
36 such conduct as a sexually motivated felony, where authorized pursuant  
37 to section 130.91 of the penal law.

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

41 4. Notwithstanding the provisions of subdivisions two and three of  
42 this section, the court shall, at the request of the district attorney,  
43 order removal of an action against a juvenile offender to the family  
44 court pursuant to the provisions of article seven hundred twenty-five of  
45 this title if, upon consideration of the criteria specified in subdivi-  
46 sion two of section 722.22 of this article, it is determined that to do  
47 so would be in the interests of justice. Where, however, the felony  
48 complaint charges the juvenile offender with murder in the second degree  
49 as defined in section 125.25 of the penal law, rape in the first degree  
50 as defined in paragraph (a) of subdivision one, paragraph (a) of subdivi-  
51 vision two and paragraph (a) of subdivision three of section 130.35 of  
52 the penal law, ~~criminal sexual act in the first degree as defined in~~  
53 ~~subdivision one of section 130.50 of the penal law,~~ or an armed felony  
54 as defined in paragraph (a) of subdivision forty-one of section 1.20 of  
55 this chapter, a determination that such action be removed to the family  
56 court shall, in addition, be based upon a finding of one or more of the

1 following factors: (i) mitigating circumstances that bear directly upon  
2 the manner in which the crime was committed; or (ii) where the defendant  
3 was not the sole participant in the crime, the defendant's participation  
4 was relatively minor although not so minor as to constitute a defense to  
5 the prosecution; or (iii) possible deficiencies in proof of the crime.

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

9 5. Notwithstanding subdivisions two and three of this section, at the  
10 request of the district attorney, the court shall order removal of an  
11 action against an adolescent offender charged with an offense listed in  
12 paragraph (a) of subdivision two of section 722.23 of this article, to  
13 the family court pursuant to the provisions of article seven hundred  
14 twenty-five of this title and upon consideration of the criteria speci-  
15 fied in subdivision two of section 722.22 of this article, it is deter-  
16 mined that to do so would be in the interests of justice. Where, howev-  
17 er, the felony complaint charges the adolescent offender with murder in  
18 the second degree as defined in section 125.25 of the penal law, rape in  
19 the first degree as defined in paragraph (a) of subdivision one, para-  
20 graph (a) of subdivision two and paragraph (a) of subdivision three of  
21 section 130.35 of the penal law, [~~eriminal sexual act in the first~~  
22 ~~degree as defined in subdivision one of section 130.50 of the penal~~  
23 ~~law,~~] or an armed felony as defined in paragraph (a) of subdivision  
24 forty-one of section 1.20 of this chapter, a determination that such  
25 action be removed to the family court shall, in addition, be based upon  
26 a finding of one or more of the following factors: (i) mitigating  
27 circumstances 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, the defendant's participation was relatively minor although  
30 not so minor as to constitute a defense to the prosecution; or (iii)  
31 possible deficiencies in proof of the crime.

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

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

54 § 31. Subparagraph (iii) of paragraph (g) of subdivision 5 of section  
55 220.10 of the criminal procedure law, as amended by chapter 264 of the  
56 laws of 2003, is amended to read as follows:

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

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

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

42 § 32-a. Subdivision 6 of section 380.50 of the criminal procedure law,  
43 as separately amended by chapters 368 and 394 of the laws of 2015, is  
44 amended to read as follows:

45 6. Regardless of whether the victim requests to make a statement with  
46 regard to the defendant's sentence, where the defendant is sentenced for  
47 a violent felony offense as defined in section 70.02 of the penal law or  
48 a felony defined in article one hundred twenty-five of such law or any  
49 of the following provisions of such law sections 130.25, 130.30,  
50 [~~130.40, 130.45,~~] 255.25, 255.26, 255.27, article two hundred sixty-  
51 three, 135.10, 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivi-  
52 sion two of section 230.30 or 230.32, the prosecutor shall, within sixty  
53 days of the imposition of sentence, provide the victim with a form,  
54 prepared and distributed by the commissioner of the division of criminal  
55 justice services, in consultation with the director of the office of  
56 victim services, on which the victim may indicate a demand to be



1 informed of any petition to change the name of such defendant. Such  
2 forms shall be maintained by such prosecutor. Upon receipt of a notice  
3 of a petition to change the name of any such defendant, pursuant to  
4 subdivision two of section sixty-two of the civil rights law, the prose-  
5 cutor shall promptly notify the victim at the most current address or  
6 telephone number provided by such victim in the most reasonable and  
7 expedient possible manner of the time and place such petition will be  
8 presented to the court.

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

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

1 155.40 of the penal law, grand larceny in the first degree as defined in  
2 section 155.42 of the penal law, health care fraud in the fourth degree  
3 as defined in section 177.10 of the penal law, health care fraud in the  
4 third degree as defined in section 177.15 of the penal law, health care  
5 fraud in the second degree as defined in section 177.20 of the penal  
6 law, health care fraud in the first degree as defined in section 177.25  
7 of the penal law, robbery in the third degree as defined in section  
8 160.05 of the penal law, robbery in the second degree as defined in  
9 section 160.10 of the penal law, robbery in the first degree as defined  
10 in section 160.15 of the penal law, unlawful use of secret scientific  
11 material as defined in section 165.07 of the penal law, criminal  
12 possession of stolen property in the fourth degree as defined in section  
13 165.45 of the penal law, criminal possession of stolen property in the  
14 third degree as defined in section 165.50 of the penal law, criminal  
15 possession of stolen property in the second degree as defined by section  
16 165.52 of the penal law, criminal possession of stolen property in the  
17 first degree as defined by section 165.54 of the penal law, trademark  
18 counterfeiting in the second degree as defined in section 165.72 of the  
19 penal law, trademark counterfeiting in the first degree as defined in  
20 section 165.73 of the penal law, forgery in the second degree as defined  
21 in section 170.10 of the penal law, forgery in the first degree as  
22 defined in section 170.15 of the penal law, criminal possession of a  
23 forged instrument in the second degree as defined in section 170.25 of  
24 the penal law, criminal possession of a forged instrument in the first  
25 degree as defined in section 170.30 of the penal law, criminal  
26 possession of forgery devices as defined in section 170.40 of the penal  
27 law, falsifying business records in the first degree as defined in  
28 section 175.10 of the penal law, tampering with public records in the  
29 first degree as defined in section 175.25 of the penal law, offering a  
30 false instrument for filing in the first degree as defined in section  
31 175.35 of the penal law, issuing a false certificate as defined in  
32 section 175.40 of the penal law, criminal diversion of prescription  
33 medications and prescriptions in the second degree as defined in section  
34 178.20 of the penal law, criminal diversion of prescription medications  
35 and prescriptions in the first degree as defined in section 178.25 of  
36 the penal law, residential mortgage fraud in the fourth degree as  
37 defined in section 187.10 of the penal law, residential mortgage fraud  
38 in the third degree as defined in section 187.15 of the penal law, resi-  
39 dential mortgage fraud in the second degree as defined in section 187.20  
40 of the penal law, residential mortgage fraud in the first degree as  
41 defined in section 187.25 of the penal law, escape in the second degree  
42 as defined in section 205.10 of the penal law, escape in the first  
43 degree as defined in section 205.15 of the penal law, absconding from  
44 temporary release in the first degree as defined in section 205.17 of  
45 the penal law, promoting prison contraband in the first degree as  
46 defined in section 205.25 of the penal law, hindering prosecution in the  
47 second degree as defined in section 205.60 of the penal law, hindering  
48 prosecution in the first degree as defined in section 205.65 of the  
49 penal law, sex trafficking as defined in section 230.34 of the penal  
50 law, sex trafficking of a child as defined in section 230.34-a of the  
51 penal law, criminal possession of a weapon in the third degree as  
52 defined in subdivisions two, three and five of section 265.02 of the  
53 penal law, criminal possession of a weapon in the second degree as  
54 defined in section 265.03 of the penal law, criminal possession of a  
55 weapon in the first degree as defined in section 265.04 of the penal  
56 law, manufacture, transport, disposition and defacement of weapons and

1 dangerous instruments and appliances defined as felonies in subdivisions  
2 one, two, and three of section 265.10 of the penal law, sections 265.11,  
3 265.12 and 265.13 of the penal law, or prohibited use of weapons as  
4 defined in subdivision two of section 265.35 of the penal law, relating  
5 to firearms and other dangerous weapons, criminal manufacture, sale or  
6 transport of an undetectable firearm, rifle or shotgun as defined in  
7 section 265.50 of the penal law, or failure to disclose the origin of a  
8 recording in the first degree as defined in section 275.40 of the penal  
9 law;

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

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

19 § 35. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision  
20 3 of section 168-a of the correction law, paragraph (a) of subdivision 2  
21 as amended by chapter 405 of the laws of 2008, subparagraph (i) of para-  
22 graph (a) of subdivision 2 as amended by chapter 189 of the laws of 2018  
23 and paragraph (a) of subdivision 3 as amended by chapter 107 of the laws  
24 of 2006, are amended to read as follows:

25 (a) (i) a conviction of or a conviction for an attempt to commit any  
26 of the provisions of sections 120.70, 130.20, 130.25, 130.30, [~~130.40,~~  
27 ~~130.45,~~] 130.60, 230.34, 230.34-a 250.50, 255.25, 255.26 and 255.27 or  
28 article two hundred sixty-three of the penal law, or section 135.05,  
29 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,  
30 provided the victim of such kidnapping or related offense is less than  
31 seventeen years old and the offender is not the parent of the victim, or  
32 section 230.04, where the person patronized is in fact less than seven-  
33 teen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision  
34 two of section 230.30, section 230.32, 230.33, or 230.34 of the penal  
35 law, or section 230.25 of the penal law where the person prostituted is  
36 in fact less than seventeen years old, or (ii) a conviction of or a  
37 conviction for an attempt to commit any of the provisions of section  
38 235.22 of the penal law, or (iii) a conviction of or a conviction for an  
39 attempt to commit any provisions of the foregoing sections committed or  
40 attempted as a hate crime defined in section 485.05 of the penal law or  
41 as a crime of terrorism defined in section 490.25 of such law or as a  
42 sexually motivated felony defined in section 130.91 of such law; or

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

52 § 36. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii)  
53 of paragraph (b) and paragraph (e) of subdivision 8 of section 384-b of  
54 the social services law, subparagraph (ii) of paragraph (a) and subpara-  
55 graph (i) of paragraph (b) as amended by chapter 430 of the laws of

1 2013, subparagraph (ii) of paragraph (b) as amended and paragraph (e) as  
2 added by chapter 7 of the laws of 1999, are amended to read as follows:

3 (ii) the child has been found to be an abused child, as defined in  
4 paragraph (iii) of subdivision (e) of section ten hundred twelve of the  
5 family court act, as a result of such parent's acts; provided, however,  
6 the respondent must have committed or knowingly allowed to be committed  
7 a felony sex offense as defined in sections 130.25, 130.30, 130.35,  
8 [~~130.40, 130.45, 130.50,~~] 130.65, 130.67, 130.70, 130.75, 130.80, 130.95  
9 and 130.96 of the penal law and, for the purposes of this section the  
10 corroboration requirements contained in the penal law shall not apply to  
11 proceedings under this section; or

12 (i) the child has been found to be an abused child, (A) as defined in  
13 paragraph (i) of subdivision (e) of section ten hundred twelve of the  
14 family court act, as a result of such parent's acts; or (B) as defined  
15 in paragraph (iii) of subdivision (e) of section ten hundred twelve of  
16 the family court act, as a result of such parent's acts; provided,  
17 however, the respondent must have committed or knowingly allowed to be  
18 committed a felony sex offense as defined in sections 130.25, 130.30,  
19 130.35, [~~130.40, 130.45, 130.50,~~] 130.65, 130.67, 130.70, 130.75,  
20 130.80, 130.95 and 130.96 of the penal law; and

21 (ii) (A) the child or another child for whose care such parent is or  
22 has been legally responsible has been previously found, within the five  
23 years immediately preceding the initiation of the proceeding in which  
24 such abuse is found, to be an abused child, as defined in paragraph (i)  
25 or (iii) of subdivision (e) of section ten hundred twelve of the family  
26 court act, as a result of such parent's acts; provided, however, in the  
27 case of a finding of abuse as defined in paragraph (iii) of subdivision  
28 (e) of section ten hundred twelve of the family court act the respondent  
29 must have committed or knowingly allowed to be committed a felony sex  
30 offense as defined in sections 130.25, 130.30, 130.35, [~~130.40, 130.45,~~  
31 ~~130.50,~~] 130.65, 130.67, 130.70, 130.75 and 130.80 of the penal law, or  
32 (B) the parent has been convicted of a crime under section 130.25,  
33 130.30, 130.35, [~~130.40, 130.45, 130.50,~~] 130.65, 130.67, 130.70, 130.75  
34 or 130.80 of the penal law against the child, a sibling of the child or  
35 another child for whose care such parent is or has been legally respon-  
36 sible, within the five year period immediately preceding the initiation  
37 of the proceeding in which abuse is found; and

38 (e) A determination by the court in accordance with article ten of the  
39 family court act based upon clear and convincing evidence that a child  
40 was abused (A) as defined in paragraph (i) of subdivision (e) of section  
41 ten hundred twelve of the family court act, as a result of such parent's  
42 acts; or (B) as defined in paragraph (iii) of subdivision (e) of section  
43 ten hundred twelve of the family court act, as a result of such parent's  
44 acts; provided, however, the respondent must have committed or knowingly  
45 allowed to be committed a felony sex offense as defined in sections  
46 130.25, 130.30, 130.35, [~~130.40, 130.45, 130.50,~~] 130.65, 130.67,  
47 130.70, 130.75 and 130.80 of the penal law shall establish that the  
48 child was an abused child for the purpose of a determination as required  
49 by subparagraph (i) or (ii) of paragraph (b) of this subdivision. Such a  
50 determination by the court in accordance with article ten of the family  
51 court act based upon a fair preponderance of evidence shall be admissi-  
52 ble in any proceeding commenced in accordance with this section.

53 § 37. Paragraphs (a) and (b) of subdivision 4 of section 509-cc of the  
54 vehicle and traffic law, paragraph (a) as amended by chapter 189 of the  
55 laws of 2018 and paragraph (b) as amended by chapter 400 of the laws of  
56 2011, are amended to read as follows:

1 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of  
2 subdivision one and paragraph (a) of subdivision two of this section  
3 that result in permanent disqualification shall include a conviction  
4 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,  
5 125.25, 125.26, 125.27, 130.30, 130.35, [~~130.45, 130.50,~~] 130.65,  
6 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25,  
7 150.20, 230.30, 230.32, 230.34, 230.34-a, 235.22, 263.05, 263.10,  
8 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of  
9 the aforesaid offenses under section 110.00 of the penal law, or any  
10 offenses committed under a former section of the penal law which would  
11 constitute violations of the aforesaid sections of the penal law, or any  
12 offenses committed outside this state which would constitute violations  
13 of the aforesaid sections of the penal law.

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

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

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



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

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

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

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

25 4. The probation service shall not adjust a case in which the child  
26 has allegedly committed a delinquent act which would be a crime defined  
27 in section 120.25, (reckless endangerment in the first degree), subdivi-  
28 sion one of section 125.15, (manslaughter in the second degree), [~~subdi-  
29 vision~~] subdivisions one, two and three of section 130.25, (rape in the  
30 third degree), [~~subdivision one of section 130.40, (criminal sexual act  
31 in the third degree),~~] subdivision one or two of section 130.65, (sexual  
32 abuse in the first degree), section 135.65, (coercion in the first  
33 degree), section 140.20, (burglary in the third degree), section 150.10,  
34 (arson in the third degree), section 160.05, (robbery in the third  
35 degree), subdivision two, three or four of section 265.02, (criminal  
36 possession of a weapon in the third degree), section 265.03, (criminal  
37 possession of a weapon in the second degree), or section 265.04, (crimi-  
38 nal possession of a dangerous weapon in the first degree) of the penal  
39 law where the child has previously had one or more adjustments of a case  
40 in which such child allegedly committed an act which would be a crime  
41 specified in this subdivision unless it has received written approval  
42 from the court and the appropriate presentment agency.

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

45 (c) Prior to granting an order of disposition pursuant to subdivision  
46 (a) of this section following an adjudication of child abuse, as defined  
47 in paragraph (i) of subdivision (e) of section ten hundred twelve of  
48 this act or a finding of a felony sex offense as defined in sections  
49 130.25, 130.30, 130.35, [~~130.40, 130.45, 130.50,~~] 130.65 and 130.70 of  
50 the penal law, the court shall advise the respondent that any subsequent  
51 adjudication of child abuse, as defined in paragraph (i) of subdivision  
52 (e) of section one thousand twelve of this act or any subsequent finding  
53 of a felony sex offense as defined in those sections of the penal law  
54 herein enumerated, arising out of acts of the respondent may result in  
55 the commitment of the guardianship and custody of the child or another  
56 child pursuant to section three hundred eighty-four-b of the social

1 services law. The order in such cases shall contain a statement that any  
2 subsequent adjudication of child abuse or finding of a felony sex  
3 offense as described herein may result in the commitment of the guardi-  
4 anship and custody of the child, or another child pursuant to section  
5 three hundred eighty-four-b of the social services law.

6 § 41. Subdivision 2 of section 64 of the civil rights law, as amended  
7 by chapter 158 of the laws of 2021, is amended to read as follows:

8 2. (a) If the petition states that the petitioner stands convicted of  
9 a violent felony offense as defined in section 70.02 of the penal law or  
10 a felony defined in article one hundred twenty-five of such law or any  
11 of the following provisions of such law sections 130.25, 130.30,  
12 [~~130.40, 130.45~~], 255.25, 255.26, 255.27, article two hundred sixty-  
13 three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30  
14 or 230.32, the clerk of the court in which the order has been entered  
15 shall deliver, by first class mail, a copy of such certified order to  
16 the division of criminal justice services at its office in the county of  
17 Albany and (b) if the petition states that the petitioner is responsible  
18 for spousal support or child support obligations pursuant to court  
19 order, upon review of the petitioner's application for name change and  
20 subsequent inquiry, the court may, in its discretion, order the peti-  
21 tioner to deliver by first class mail, the petitioner's new name with  
22 such certified order to the court of competent jurisdiction which  
23 imposed the orders of support. Such certification shall appear on the  
24 original order and on any certified copy thereof and shall be entered in  
25 the court's minutes of the proceeding.

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

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

1 construed to require that any of the rules governing a criminal proceed-  
2 ing be applicable to any such civil action.

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

6 (b) Whenever it is shown that a criminal action against the same  
7 defendant has been commenced with respect to the event or occurrence  
8 from which a claim governed by this section arises, and such criminal  
9 action is for rape in the first degree as defined in section 130.35 of  
10 the penal law, [~~or criminal sexual act in the first degree as defined in~~  
11 ~~section 130.50 of the penal law,~~] or aggravated sexual abuse in the  
12 first degree as defined in section 130.70 of the penal law, or course of  
13 sexual conduct against a child in the first degree as defined in section  
14 130.75 of the penal law, the plaintiff shall have at least five years  
15 from the termination of the criminal action as defined in section 1.20  
16 of the criminal procedure law in which to commence the civil action,  
17 notwithstanding that the time in which to commence such action has  
18 already expired or has less than a year remaining.

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

23 11. The owner shall not be liable pursuant to subdivision six, seven,  
24 eight, nine or ten of this section if the dog was coming to the aid or  
25 defense of a person during the commission or attempted commission of a  
26 murder, robbery, burglary, arson, rape in the first degree as defined in  
27 paragraph (a) or (b) of subdivision one [~~or~~], paragraph (a) or (b) of  
28 subdivision two or paragraph (a) or (b) of subdivision three of section  
29 130.35 of the penal law[, ~~criminal sexual act in the first degree as~~  
30 ~~defined in subdivision one or two of section 130.50 of the penal law~~] or  
31 kidnapping within the dwelling or upon the real property of the owner of  
32 the dog and the dog injured or killed the person committing such crimi-  
33 nal activity.

34 § 45. Section 4 of the judiciary law, as amended by chapter 1 of the  
35 laws of 2019, is amended to read as follows:

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

43 § 46. Subdivision 2 of section 120.60 of the penal law, as amended by  
44 chapter 434 of the laws of 2000, is amended to read as follows:

45 2. commits a class A misdemeanor defined in article one hundred thirty  
46 of this chapter, or a class E felony defined in section 130.25, [~~130.40~~]  
47 or 130.85 of this chapter, or a class D felony defined in section 130.30  
48 [~~or 130.45~~] of this chapter.

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

52 1. (a) In a case where an indictment or a superior court information  
53 has been filed with a superior court which charges the defendant with a  
54 felony offense enumerated in any section of article one hundred thirty  
55 of the penal law where an act of "[~~sexual intercourse~~] vaginal sexual  
56 contact", "oral sexual [~~conduct~~] contact" or "anal sexual [~~conduct~~]

1 contact," as those terms are defined in section 130.00 of the penal law,  
2 is required as an essential element for the commission thereof, the  
3 court shall, upon a request of the victim within six months of the date  
4 of the crimes charged, order that the defendant submit to human immuno-  
5 deficiency virus (HIV) related testing. Testing of a defendant shall be  
6 ordered when the result would provide medical benefit to the victim or a  
7 psychological benefit to the victim. Medical benefit shall be found when  
8 the following elements are satisfied: (i) a decision is pending about  
9 beginning, continuing, or discontinuing a medical intervention for the  
10 victim; and (ii) the result of an HIV test of the accused could affect  
11 that decision, and could provide relevant information beyond that which  
12 would be provided by an HIV test of the victim. If testing the defendant  
13 would provide medical benefit to the victim or a psychological benefit  
14 to the victim, then the testing is to be conducted by a state, county,  
15 or local public health officer designated by the order. Test results,  
16 which shall not be disclosed to the court, shall be communicated to the  
17 defendant and the victim named in the order in accordance with the  
18 provisions of section twenty-seven hundred eighty-five-a of the public  
19 health law.

20 (b) For the purposes of this section, the terms "victim" and "appli-  
21 cant" mean the person with whom the defendant is charged to have engaged  
22 in an act of "~~sexual intercourse~~ vaginal sexual contact", "oral sexual  
23 ~~conduct~~ contact" or "anal sexual ~~conduct~~ contact", as those terms  
24 are defined in section 130.00 of the penal law, where such conduct with  
25 such victim was the basis for charging the defendant with an offense  
26 specified in paragraph (a) of this subdivision.

27 § 48. Subdivision 1 of section 390.15 of the criminal procedure law,  
28 as amended by chapter 264 of the laws of 2003, is amended to read as  
29 follows:

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

45 (b) For the purposes of this section, the terms "defendant",  
46 "conviction" and "sentence" mean and include, respectively, an "eligible  
47 youth," a "youthful offender finding" and a "youthful offender sentence"  
48 as those terms are defined in section 720.10 of this chapter. The term  
49 "victim" means the person with whom the defendant engaged in an act of  
50 "~~sexual intercourse~~ vaginal sexual contact", "oral sexual ~~conduct~~  
51 contact" or "anal sexual ~~conduct~~ contact", as those terms are defined  
52 in section 130.00 of the penal law, where such conduct with such victim  
53 was the basis for the defendant's conviction of an offense specified in  
54 paragraph (a) of this subdivision.

1 § 49. Subdivision 1 of section 347.1 of the family court act, as  
 2 amended by chapter 264 of the laws of 2003, is amended to read as  
 3 follows:

4 1. (a) In any proceeding where the respondent is found pursuant to  
 5 section 345.1 or 346.1 of this article, to have committed a felony  
 6 offense enumerated in any section of article one hundred thirty of the  
 7 penal law, or any subdivision of section 130.20 of such law, for which  
 8 an act of "~~sexual intercourse~~ vaginal sexual contact", "oral sexual  
 9 ~~conduct~~ contact" or "anal sexual ~~conduct~~ contact", as those terms  
 10 are defined in section 130.00 of the penal law, is required as an essen-  
 11 tial element for the commission thereof, the court must, upon a request  
 12 of the victim, order that the respondent submit to human immunodeficien-  
 13 cy (HIV) related testing. The testing is to be conducted by a state,  
 14 county, or local public health officer designated by the order. Test  
 15 results, which shall not be disclosed to the court, shall be communi-  
 16 cated to the respondent and the victim named in the order in accordance  
 17 with the provisions of section twenty-seven hundred eighty-five-a of the  
 18 public health law.

19 (b) For the purposes of this section, the term "victim" means the  
 20 person with whom the respondent engaged in an act of "~~sexual inter-  
 21 course~~ vaginal sexual contact", "oral sexual ~~conduct~~ contact" or  
 22 "anal sexual ~~conduct~~ contact", as those terms are defined in section  
 23 130.00 of the penal law, where such conduct with such victim was the  
 24 basis for the court's finding that the respondent committed acts consti-  
 25 tuting one or more of the offenses specified in paragraph (a) of this  
 26 subdivision.

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

29 (a) Establish that an attempt was made to engage the victim in ~~sexual  
 30 intercourse~~ vaginal sexual contact, oral sexual ~~conduct~~ contact, anal  
 31 sexual ~~conduct~~ contact, or sexual contact, as the case may be, at the  
 32 time of the occurrence; and

33 § 51. Section 130.20 of the penal law, as amended by chapter 1 of the  
 34 laws of 2000, subdivision 2 as amended by chapter 264 of the laws of  
 35 2003, is amended to read as follows:

36 § 130.20 Sexual misconduct.

37 A person is guilty of sexual misconduct when:

38 1. He or she engages in ~~sexual intercourse~~ vaginal sexual contact  
 39 with another person without such person's consent; or

40 2. He or she engages in oral sexual ~~conduct or anal sexual conduct~~  
 41 contact with another person without such person's consent; or

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

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

46 Sexual misconduct is a class A misdemeanor.

47 § 52. Paragraphs (a) and (b) of subdivision 1 of section 130.75 of the  
 48 penal law, as amended by chapter 264 of the laws of 2003, are amended to  
 49 read as follows:

50 (a) he or she engages in two or more acts of sexual conduct, which  
 51 includes at least one act of ~~sexual intercourse~~ vaginal sexual  
 52 contact, oral sexual ~~conduct~~ contact, anal sexual ~~conduct~~ contact or  
 53 aggravated sexual contact, with a child less than eleven years old; or

54 (b) he or she, being eighteen years old or more, engages in two or  
 55 more acts of sexual conduct, which include at least one act of ~~sexual  
 56 intercourse~~ vaginal sexual contact, oral sexual ~~conduct~~ contact, anal



1 sexual [~~conduct~~] contact or aggravated sexual contact, with a child less  
2 than thirteen years old.

3 § 53. Subdivision 1 of section 235.00 of the penal law, as amended by  
4 chapter 264 of the laws of 2003, is amended to read as follows:

5 1. "Obscene." Any material or performance is "obscene" if (a) the  
6 average person, applying contemporary community standards, would find  
7 that considered as a whole, its predominant appeal is to the prurient  
8 interest in sex, and (b) it depicts or describes in a patently offensive  
9 manner, actual or simulated: [~~sexual intercourse~~] vaginal sexual  
10 contact, [~~criminal sexual act~~] oral sexual contact, anal sexual contact,  
11 sexual bestiality, masturbation, sadism, masochism, excretion or lewd  
12 exhibition of the genitals, and (c) considered as a whole, it lacks  
13 serious literary, artistic, political, and scientific value. Predominant  
14 appeal shall be judged with reference to ordinary adults unless it  
15 appears from the character of the material or the circumstances of its  
16 dissemination to be designed for children or other [~~specially~~] especial-  
17 ly susceptible audience.

18 § 54. Subdivision 2 of section 235.22 of the penal law, as amended by  
19 chapter 264 of the laws of 2003, is amended to read as follows:

20 2. by means of such communication he importunes, invites or induces a  
21 minor to engage in [~~sexual intercourse~~] vaginal sexual contact, oral  
22 sexual [~~conduct~~] contact or anal sexual [~~conduct~~] contact, or sexual  
23 contact with him, or to engage in a sexual performance, obscene sexual  
24 performance, or sexual conduct for his benefit.

25 § 55. Section 255.25 of the penal law, as amended by chapter 320 of  
26 the laws of 2006, is amended to read as follows:

27 § 255.25 Incest in the third degree.

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

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

35 § 56. Subdivision 3 of section 263.00 of the penal law, as amended by  
36 chapter 264 of the laws of 2003, is amended to read as follows:

37 3. "Sexual conduct" means actual or simulated [~~sexual intercourse~~]  
38 vaginal sexual contact, oral sexual [~~conduct~~] contact, anal sexual  
39 [~~conduct~~] contact, sexual bestiality, masturbation, sado-masochistic  
40 abuse, or lewd exhibition of the genitals.

41 § 57. Subdivision 3 of section 60.42 of the criminal procedure law, as  
42 amended by section 1 of part R of chapter 55 of the laws of 2019, is  
43 amended to read as follows:

44 3. rebuts evidence introduced by the people of the victim's failure to  
45 engage in [~~sexual intercourse~~] vaginal sexual contact, oral sexual  
46 [~~conduct~~] contact, anal sexual [~~conduct~~] contact or sexual contact  
47 during a given period of time; or

48 § 58. Subdivision 3 of section 344.4 of the family court act, as  
49 amended by chapter 264 of the laws of 2003, is amended to read as  
50 follows:

51 3. rebuts evidence introduced by the presentment agency of the  
52 victim's failure to engage in [~~sexual intercourse~~] vaginal sexual  
53 contact, oral sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact or  
54 sexual contact during a given period of time; or

1 § 59. Subdivision 4 of section 170 of the domestic relations law, as  
2 amended by chapter 264 of the laws of 2003, is amended to read as  
3 follows:

4 (4) The commission of an act of adultery, provided that adultery for  
5 the purposes of articles ten, eleven, and eleven-A of this chapter, is  
6 hereby defined as the commission of an act of [~~sexual intercourse~~] vagi-  
7 nal sexual contact, oral sexual [~~conduct~~] contact or anal sexual  
8 [~~conduct~~] contact, voluntarily performed by the defendant, with a person  
9 other than the plaintiff after the marriage of plaintiff and defendant.  
10 Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~] contact include,  
11 but are not limited to, sexual conduct as defined in subdivision two of  
12 section 130.00 and subdivision [~~three~~] four of section 130.20 of the  
13 penal law.

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

17 A person is guilty of coercion in the second degree when he or she  
18 commits the crime of coercion in the third degree as defined in section  
19 135.60 of this article and thereby compels or induces a person to engage  
20 in [~~sexual intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~]  
21 contact or anal sexual [~~conduct~~] contact as such terms are defined in  
22 section [~~130 of the penal law~~] 130.00 of this title.

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

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

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

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

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

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

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

4 4. The commission of an act of adultery by the defendant; except where  
5 such offense is committed by the procurement or with the connivance of  
6 the plaintiff or where there is voluntary cohabitation of the parties  
7 with the knowledge of the offense or where action was not commenced  
8 within five years after the discovery by the plaintiff of the offense  
9 charged or where the plaintiff has also been guilty of adultery under  
10 such circumstances that the defendant would have been entitled, if inno-  
11 cent, to a divorce, provided that adultery for the purposes of this  
12 subdivision is hereby defined as the commission of an act of [~~sexual~~  
13 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact or  
14 anal sexual [~~conduct~~] contact, voluntarily performed by the defendant,  
15 with a person other than the plaintiff after the marriage of plaintiff  
16 and defendant. Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~]  
17 contact include, but are not limited to, sexual conduct as defined in  
18 subdivision two of section 130.00 and subdivision [~~three~~] four of  
19 section 130.20 of the penal law.

20 § 65. As it pertains to the repealed sections of law, nothing in this  
21 act shall affect a requirement to register pursuant to article 6-C of  
22 the correction law; a lawfully required disclosure of a conviction; any  
23 restriction or prohibition for certain types of employment, housing, or  
24 government benefit; or any other ongoing matter related to a conviction  
25 of the sections repealed in this act.

26 § 66. This act shall take effect January 1, 2023 and shall apply to  
27 any offense on or after such effective date.