

STATE OF NEW YORK

618

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to removing statute of limitations for certain child sexual assault crimes; and to repeal paragraph (e) of subdivision 3 of section 30.10 of such law relating thereto

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

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

4 (a) A prosecution for a class A felony, or rape in the third degree as
5 defined in subdivision two of section 130.25 of the penal law, or rape
6 in the second degree as defined in subdivision one of section 130.30 of
7 the penal law, or rape in the first degree as defined in section 130.35
8 of the penal law, or criminal sexual act in the third degree as defined
9 in subdivision two of section 130.40 of the penal law, or criminal sexu-
10 al act in the second degree as defined in subdivision one of section
11 130.45 of the penal law, or a crime defined or formerly defined in
12 section 130.50 of the penal law, or sexual abuse in the second degree as
13 defined in subdivision two of section 130.60 of the penal law, or sexual
14 abuse in the first degree as defined in subdivisions three and four of
15 section 130.65 of the penal law, or aggravated sexual abuse in the
16 fourth degree as defined in paragraph (a) of subdivision one of section
17 130.65-a of the penal law, or aggravated sexual abuse in the third
18 degree as defined in paragraph (c) of subdivision one of section 130.66
19 of the penal law, or aggravated sexual abuse in the second degree as
20 defined in paragraph (c) of subdivision one of section 130.67 of the
21 penal law, or aggravated sexual abuse in the first degree as defined in
22 section 130.70 of the penal law, or course of sexual conduct against a

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

LBD00410-01-1

1 child in the first degree as defined in section 130.75 of the penal law,
2 or course of sexual conduct against a child in the second degree as
3 defined in section 130.80 of the penal law, or predatory sexual assault
4 against a child as defined in section 130.96 of the penal law, or incest
5 in the first degree as defined in section 255.27 of the penal law, or
6 use of a child in a sexual performance as defined in section 263.05 of
7 the penal law, may be commenced at any time;

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

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

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

25 § 4. This act shall take effect immediately.