

STATE OF NEW YORK

3340

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. CRUZ, BURDICK, TAYLOR, ZEBROWSKI, DINOWITZ, VANEL, SIMON, BURGOS, L. ROSENTHAL, GONZALEZ-ROJAS, JACOBSON, OTIS, PRETLOW, STIRPE, CLARK, GLICK, BICHOTTE HERMELYN, LAVINE, PHEFFER AMATO -- read once and referred to the Committee on Codes

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

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

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2 REPEALED.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.

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

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

LBD07466-01-3

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

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

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

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

13 ~~3-~~] 5. Being twenty-one years old or more, he or she engages in oral
14 sexual contact with another person less than seventeen years old;

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

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

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

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

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

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

29 § 130.30 Rape in the second degree.

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

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

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

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

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

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

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

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

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

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

54 § 130.35 Rape in the first degree.

55 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:

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

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

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

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

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

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

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

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

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

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

(menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); ~~[section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree); section 130.50 (criminal sexual act in the first degree);]~~ section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 130.91 (sexually motivated felony); section 130.95 (predatory sexual assault); section 130.96 (predatory sexual assault against a child); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 145.14 (criminal tampering in the third degree); section 215.50 (criminal contempt in the second degree); section 215.51 (criminal contempt in the first degree); section 215.52 (aggravated criminal contempt); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); aggravated family offense as defined in this section or any attempt or conspiracy to commit any of the foregoing offenses where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law.

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

§ 255.26 Incest in the second degree.

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

Incest in the second degree is a class D felony.

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

§ 255.27 Incest in the first degree.

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

Incest in the first degree is a class B felony.

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

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); paragraph (a) of subdivision one, paragraph (a) of subdivision two and paragraph (a) of subdivision three of section 130.35 (rape in the first degree); ~~[subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree);]~~ paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (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 (criminal
15 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 (criminal
19 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 (manslaughter
35 in the first degree); ~~[subdivisions one and two of section 130.50 (criminal~~
36 ~~sexual act in the first degree),]~~ paragraphs (a) and (b)
37 of subdivision one, paragraphs (a) and (b) of subdivision two and para-
38 graphs (a) and (b) of subdivision three of section 130.35 (rape in the
39 first degree); ~~[subdivisions one and two of section 130.50 (criminal~~
40 ~~sexual act in the first degree),]~~ 130.70 (aggravated sexual abuse in the
41 first degree); 140.30 (burglary in the first degree); subdivision one of
42 section 140.25 (burglary in the second degree); 150.15 (arson in the
43 second degree); 160.15 (robbery in the first degree); subdivision two of
44 section 160.10 (robbery in the second degree) of the penal law; or
45 section 265.03 of the penal law, where such machine gun or such firearm
46 is possessed on school grounds, as that phrase is defined in subdivision
47 fourteen of section 220.00 of the penal law; or defined in the penal law
48 as an attempt to commit murder in the second degree or kidnapping in the
49 first degree, or such conduct as a sexually motivated felony, where
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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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, [~~criminal 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[~~, criminal 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For every juvenile delinquency proceeding under article three involving an allegation of an act committed by a person which, if done by an adult, would be a crime (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); ~~[130.50 (criminal sexual act in the first degree),]~~ 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree), but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree); or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of

1 section 220.00 of the penal law committed by a person fourteen, fifteen,
2 sixteen, or seventeen years of age; or such conduct committed as a sexu-
3 ally motivated felony, where authorized pursuant to section 130.91 of
4 the penal law; (v) defined in section 120.05 (assault in the second
5 degree) or 160.10 (robbery in the second degree) of the penal law
6 committed by a person fourteen, fifteen, sixteen, or seventeen years of
7 age but only where there has been a prior finding by a court that such
8 person has previously committed an act which, if committed by an adult,
9 would be the crime of assault in the second degree, robbery in the
10 second degree or any designated felony act specified in clause (i), (ii)
11 or (iii) of this subdivision regardless of the age of such person at the
12 time of the commission of the prior act; or (vi) other than a misdemea-
13 nor, committed by a person at least twelve but less than eighteen years
14 of age, but only where there have been two prior findings by the court
15 that such person has committed a prior act which, if committed by an
16 adult, would be a felony:

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

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

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

40 (c) Prior to granting an order of disposition pursuant to subdivision
41 (a) of this section following an adjudication of child abuse, as defined
42 in paragraph (i) of subdivision (e) of section ten hundred twelve of
43 this act or a finding of a felony sex offense as defined in sections
44 130.25, 130.30, 130.35, [~~130.40, 130.45, 130.50,~~] 130.65 and 130.70 of
45 the penal law, the court shall advise the respondent that any subsequent
46 adjudication of child abuse, as defined in paragraph (i) of subdivision
47 (e) of section one thousand twelve of this act or any subsequent finding
48 of a felony sex offense as defined in those sections of the penal law
49 herein enumerated, arising out of acts of the respondent may result in
50 the commitment of the guardianship and custody of the child or another
51 child pursuant to section three hundred eighty-four-b of the social
52 services law. The order in such cases shall contain a statement that any
53 subsequent adjudication of child abuse or finding of a felony sex
54 offense as described herein may result in the commitment of the guardi-
55 anship and custody of the child, or another child pursuant to section
56 three hundred eighty-four-b of the social services law.

1 § 41. Subdivision 2 of section 64 of the civil rights law, as amended
2 by chapter 163 of the laws of 2022, is amended to read as follows:

3 2. (a) If the petition states that the petitioner stands convicted of
4 a violent felony offense as defined in section 70.02 of the penal law or
5 a felony defined in article one hundred twenty-five of such law or any
6 of the following provisions of such law sections 130.25, 130.30,
7 ~~[130.40, 130.45]~~ 255.25, 255.26, 255.27, article two hundred sixty-
8 three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30
9 or 230.32, the clerk of the court in which the order has been entered
10 shall deliver, by first class mail, a copy of such certified order to
11 the division of criminal justice services at its office in the county of
12 Albany and (b) if the petition states that the petitioner is responsible
13 for spousal support or child support obligations pursuant to court
14 order, upon review of the petitioner's application for name change and
15 subsequent inquiry, the court shall order the petitioner to deliver, by
16 first class mail, the petitioner's new name with such certified order to
17 the court of competent jurisdiction which imposed the orders of support.
18 If a party to the order is receiving child support services pursuant to
19 title six-A of article three of the social services law, a copy shall be
20 mailed to the support collection unit of the applicable social services
21 district providing such services to a party. Such certification shall
22 appear on the original order and on any certified copy thereof and shall
23 be entered in the court's minutes of the proceeding.

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

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

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

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

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

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

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

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

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

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

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

1. (a) In a case where an indictment or a superior court information has been filed with a superior court which charges the defendant with a felony offense enumerated in any section of article one hundred thirty of the penal law where an act of "[~~sexual intercourse~~] vaginal sexual contact", "oral sexual [~~conduct~~] contact" or "anal sexual [~~conduct~~] contact," as those terms are defined in section 130.00 of the penal law, is required as an essential element for the commission thereof, the

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

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

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

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

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

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

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

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

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

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

30 § 51. Section 130.20 of the penal law, as amended by chapter 1 of the
31 laws of 2000, subdivision 2 as amended by chapter 264 of the laws of
32 2003, is amended to read as follows:

33 § 130.20 Sexual misconduct.

34 A person is guilty of sexual misconduct when:

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

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

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

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

43 Sexual misconduct is a class A misdemeanor.

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

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

51 (b) he or she, being eighteen years old or more, engages in two or
52 more acts of sexual conduct, which include at least one act of ~~sexual~~
53 ~~intercourse~~ vaginal sexual contact, oral sexual ~~conduct~~ contact, anal
54 sexual ~~conduct~~ contact or aggravated sexual contact, with a child less
55 than thirteen years old.

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

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

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

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

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

§ 255.25 Incest in the third degree.

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

Incest in the third degree is a class E felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 § 66. This act shall take effect January 1, 2024 and shall apply to
24 any offense on or after such effective date.