

# STATE OF NEW YORK

3161

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed 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2 REPEALED.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:
- 19 1. He or she engages in [~~sexual intercourse~~] vaginal sexual contact  
20 with another person who is incapable of consent by reason of some factor  
21 other than being less than seventeen years old;

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

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

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

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

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

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

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

8. He or she engages in oral sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent; or

9. He or she engages in anal sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than the incapacity to consent.

Rape in the third degree is a class E felony.

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

§ 130.30 Rape in the second degree.

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

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

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

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

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

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

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

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

Rape in the second degree is a class D felony.

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

§ 130.35 Rape in the first degree.

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

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

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

1 ~~[2-]~~ (b) Who is incapable of consent by reason of being physically  
2 helpless; or

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

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

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

7 (a) By forcible compulsion; or

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

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

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

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

14 (a) By forcible compulsion; or

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

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

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

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

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

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

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

50 2. A person thirteen, fourteen or, fifteen years of age is criminally  
51 responsible for acts constituting murder in the second degree as defined  
52 in subdivisions one and two of section 125.25 and in subdivision three  
53 of such section provided that the underlying crime for the murder charge  
54 is one for which such person is criminally responsible or for such  
55 conduct as a sexually motivated felony, where authorized pursuant to  
56 section 130.91 of this chapter; and a person fourteen or, fifteen years

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

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

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

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

29 (c) Class D violent felony offenses: an attempt to commit any of the  
30 class C felonies set forth in paragraph (b); reckless assault of a child  
31 as defined in section 120.02, assault in the second degree as defined in  
32 section 120.05, menacing a police officer or peace officer as defined in  
33 section 120.18, stalking in the first degree, as defined in subdivision  
34 one of section 120.60, strangulation in the second degree as defined in  
35 section 121.12, rape in the second degree as defined in section 130.30,  
36 ~~[criminal sexual act in the second degree as defined in section 130.45,~~  
37 sexual abuse in the first degree as defined in section 130.65, course of  
38 sexual conduct against a child in the second degree as defined in  
39 section 130.80, aggravated sexual abuse in the third degree as defined  
40 in section 130.66, facilitating a sex offense with a controlled  
41 substance as defined in section 130.90, labor trafficking as defined in  
42 paragraphs (a) and (b) of subdivision three of section 135.35, criminal  
43 possession of a weapon in the third degree as defined in subdivision  
44 five, six, seven, eight, nine or ten of section 265.02, criminal sale of  
45 a firearm in the third degree as defined in section 265.11, intimidating  
46 a victim or witness in the second degree as defined in section 215.16,  
47 soliciting or providing support for an act of terrorism in the second  
48 degree as defined in section 490.10, and making a terroristic threat as  
49 defined in section 490.20, falsely reporting an incident in the first  
50 degree as defined in section 240.60, placing a false bomb or hazardous  
51 substance in the first degree as defined in section 240.62, placing a  
52 false bomb or hazardous substance in a sports stadium or arena, mass  
53 transportation facility or enclosed shopping mall as defined in section  
54 240.63, aggravated unpermitted use of indoor pyrotechnics in the first  
55 degree as defined in section 405.18, and criminal manufacture, sale, or

1 transport of an undetectable firearm, rifle or shotgun as defined in  
2 section 265.50.

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

6 b. a crime defined in section 130.20, 130.25, 130.30, [~~130.40,~~  
7 ~~130.45,~~] 130.55, 130.60, 130.70, 255.25, 255.26 or 255.27;

8 § 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision  
9 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as  
10 amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivi-  
11 sion 3 as amended by section 2 of part G of chapter 501 of the laws of  
12 2012, are amended to read as follows:

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

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

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

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

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

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

52 § 14. Subparagraph (vii) of paragraph (a) of subdivision 1 of section  
53 125.27 of the penal law, as amended by chapter 264 of the laws of 2003,  
54 is amended to read as follows:

55 (vii) the victim was killed while the defendant was in the course of  
56 committing or attempting to commit and in furtherance of robbery,

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

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

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

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

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

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

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

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

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

52 2. A "specified offense" is an offense defined in section 120.00  
53 (assault in the third degree); section 120.05 (assault in the second  
54 degree); section 120.10 (assault in the first degree); section 120.13  
55 (menacing in the first degree); section 120.14 (menacing in the second  
56 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.

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

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

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

14 3. A "specified offense" is an offense defined by any of the following  
15 provisions of this chapter: section 120.00 (assault in the third  
16 degree); section 120.05 (assault in the second degree); section 120.10  
17 (assault in the first degree); section 120.12 (aggravated assault upon a  
18 person less than eleven years old); section 120.13 (menacing in the  
19 first degree); section 120.14 (menacing in the second degree); section  
20 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
21 germent in the second degree); section 120.25 (reckless endangerment in  
22 the first degree); section 121.12 (strangulation in the second degree);  
23 section 121.13 (strangulation in the first degree); subdivision one of  
24 section 125.15 (manslaughter in the second degree); subdivision one, two  
25 or four of section 125.20 (manslaughter in the first degree); section  
26 125.25 (murder in the second degree); section 120.45 (stalking in the  
27 fourth degree); section 120.50 (stalking in the third degree); section  
28 120.55 (stalking in the second degree); section 120.60 (stalking in the  
29 first degree); paragraph (a) of subdivision one, paragraph (a) of subdi-  
30 vision two and paragraph (a) of subdivision three of section 130.35  
31 (rape in the first degree); [~~subdivision one of section 130.50 (criminal~~  
32 ~~sexual act in the first degree), subdivision one of section 130.65~~  
33 ~~(sexual abuse in the first degree),~~] paragraph (a) of subdivision one of  
34 section 130.67 (aggravated sexual abuse in the second degree); paragraph  
35 (a) of subdivision one of section 130.70 (aggravated sexual abuse in the  
36 first degree); section 135.05 (unlawful imprisonment in the second  
37 degree); section 135.10 (unlawful imprisonment in the first degree);  
38 section 135.20 (kidnapping in the second degree); section 135.25  
39 (kidnapping in the first degree); section 135.60 (coercion in the third  
40 degree); section 135.61 (coercion in the second degree); section 135.65  
41 (coercion in the first degree); section 140.10 (criminal trespass in the  
42 third degree); section 140.15 (criminal trespass in the second degree);  
43 section 140.17 (criminal trespass in the first degree); section 140.20  
44 (burglary in the third degree); section 140.25 (burglary in the second  
45 degree); section 140.30 (burglary in the first degree); section 145.00  
46 (criminal mischief in the fourth degree); section 145.05 (criminal  
47 mischief in the third degree); section 145.10 (criminal mischief in the  
48 second degree); section 145.12 (criminal mischief in the first degree);  
49 section 150.05 (arson in the fourth degree); section 150.10 (arson in  
50 the third degree); section 150.15 (arson in the second degree); section  
51 150.20 (arson in the first degree); section 155.25 (petit larceny);  
52 section 155.30 (grand larceny in the fourth degree); section 155.35  
53 (grand larceny in the third degree); section 155.40 (grand larceny in  
54 the second degree); section 155.42 (grand larceny in the first degree);  
55 section 160.05 (robbery in the third degree); section 160.10 (robbery in  
56 the second degree); section 160.15 (robbery in the first degree);



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

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

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

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

53 (a) If the arrest is for an offense other than a class A, B, C or D  
54 felony or a violation of section 130.25, [~~130.40,~~ 205.10, 205.17,  
55 205.19 or 215.56 of the penal law committed in a town, but not in a  
56 village thereof having a village court, and the town court of such town

1 is not available at the time, the arrested person may be brought before  
2 the local criminal court of any village within such town or, any adjoin-  
3 ing town, village embraced in whole or in part by such adjoining town,  
4 or city of the same county; and

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

14 If the arrest is for an offense other than a class A, B, C or D felony  
15 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or  
16 215.56 of the penal law, the arrested person need not be brought before  
17 a local criminal court as provided in subdivision one, and the procedure  
18 may instead be as follows:

19 (a) the arrest is for an offense other than a class A, B, C or D felo-  
20 ny or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or  
21 215.56 of the penal law, and

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

26 (a) the arrest is for an offense other than a class A, B, C or D felo-  
27 ny or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or  
28 215.56 of the penal law and

29 If the arrest is for an offense other than a class A, B, C or D felony  
30 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or  
31 215.56 of the penal law, the arrested person need not be brought before  
32 a local criminal court as provided in subdivision two, and the procedure  
33 may instead be as follows:

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

38 (a) the arrest is for an offense other than a class A, B, C or D felo-  
39 ny or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or  
40 215.56 of the penal law and

41 If the arrest is for an offense other than a class A, B, C or D felony  
42 or a violation of section 130.25, [~~130.40,~~] 205.10, 205.17, 205.19 or  
43 215.56 of the penal law, the arrested person need not be brought before  
44 a local criminal court, as provided in subdivision one, and the proce-  
45 dure may instead be as follows:

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

49 (a) Whenever a police officer is authorized pursuant to section 140.10  
50 of this title to arrest a person without a warrant for an offense other  
51 than a class A, B, C or D felony or a violation of section 130.25,  
52 [~~130.40,~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, he shall,  
53 except as set out in paragraph (b) of this subdivision, subject to the  
54 provisions of subdivisions three and four of section 150.40 of this  
55 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 130.50 (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 following factors: (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, the defendant's participation

1 was relatively minor although not so minor as to constitute a defense to  
2 the prosecution; or (iii) possible deficiencies in proof of the crime.

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

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

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

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

51 § 31. Subparagraph (iii) of paragraph (g) of subdivision 5 of section  
52 220.10 of the criminal procedure law, as amended by chapter 264 of the  
53 laws of 2003, is amended to read as follows:

54 (iii) Where the indictment does not charge a crime specified in  
55 subparagraph (i) of this paragraph, the district attorney may recommend  
56 removal of the action to the family court. Upon making such recommenda-

tion 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 informed of any petition to change the name of such defendant. Such forms shall be maintained by such prosecutor. Upon receipt of a notice of a petition to change the name of any such defendant, pursuant to



subdivision two of section sixty-two of the civil rights law, the prosecutor shall promptly notify the victim at the most current address or telephone number provided by such victim in the most reasonable and expedient possible manner of the time and place such petition will be presented to the court.

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

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, ~~criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law,~~ sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the

1 third degree as defined in section 177.15 of the penal law, health care  
2 fraud in the second degree as defined in section 177.20 of the penal  
3 law, health care fraud in the first degree as defined in section 177.25  
4 of the penal law, robbery in the third degree as defined in section  
5 160.05 of the penal law, robbery in the second degree as defined in  
6 section 160.10 of the penal law, robbery in the first degree as defined  
7 in section 160.15 of the penal law, unlawful use of secret scientific  
8 material as defined in section 165.07 of the penal law, criminal  
9 possession of stolen property in the fourth degree as defined in section  
10 165.45 of the penal law, criminal possession of stolen property in the  
11 third degree as defined in section 165.50 of the penal law, criminal  
12 possession of stolen property in the second degree as defined by section  
13 165.52 of the penal law, criminal possession of stolen property in the  
14 first degree as defined by section 165.54 of the penal law, trademark  
15 counterfeiting in the second degree as defined in section 165.72 of the  
16 penal law, trademark counterfeiting in the first degree as defined in  
17 section 165.73 of the penal law, forgery in the second degree as defined  
18 in section 170.10 of the penal law, forgery in the first degree as  
19 defined in section 170.15 of the penal law, criminal possession of a  
20 forged instrument in the second degree as defined in section 170.25 of  
21 the penal law, criminal possession of a forged instrument in the first  
22 degree as defined in section 170.30 of the penal law, criminal  
23 possession of forgery devices as defined in section 170.40 of the penal  
24 law, falsifying business records in the first degree as defined in  
25 section 175.10 of the penal law, tampering with public records in the  
26 first degree as defined in section 175.25 of the penal law, offering a  
27 false instrument for filing in the first degree as defined in section  
28 175.35 of the penal law, issuing a false certificate as defined in  
29 section 175.40 of the penal law, criminal diversion of prescription  
30 medications and prescriptions in the second degree as defined in section  
31 178.20 of the penal law, criminal diversion of prescription medications  
32 and prescriptions in the first degree as defined in section 178.25 of  
33 the penal law, residential mortgage fraud in the fourth degree as  
34 defined in section 187.10 of the penal law, residential mortgage fraud  
35 in the third degree as defined in section 187.15 of the penal law, resi-  
36 dential mortgage fraud in the second degree as defined in section 187.20  
37 of the penal law, residential mortgage fraud in the first degree as  
38 defined in section 187.25 of the penal law, escape in the second degree  
39 as defined in section 205.10 of the penal law, escape in the first  
40 degree as defined in section 205.15 of the penal law, absconding from  
41 temporary release in the first degree as defined in section 205.17 of  
42 the penal law, promoting prison contraband in the first degree as  
43 defined in section 205.25 of the penal law, hindering prosecution in the  
44 second degree as defined in section 205.60 of the penal law, hindering  
45 prosecution in the first degree as defined in section 205.65 of the  
46 penal law, sex trafficking as defined in section 230.34 of the penal  
47 law, sex trafficking of a child as defined in section 230.34-a of the  
48 penal law, criminal possession of a weapon in the third degree as  
49 defined in subdivisions two, three and five of section 265.02 of the  
50 penal law, criminal possession of a weapon in the second degree as  
51 defined in section 265.03 of the penal law, criminal possession of a  
52 weapon in the first degree as defined in section 265.04 of the penal  
53 law, manufacture, transport, disposition and defacement of weapons and  
54 dangerous instruments and appliances defined as felonies in subdivisions  
55 one, two, and three of section 265.10 of the penal law, sections 265.11,  
56 265.12 and 265.13 of the penal law, or prohibited use of weapons as

1 defined in subdivision two of section 265.35 of the penal law, relating  
2 to firearms and other dangerous weapons, criminal manufacture, sale or  
3 transport of an undetectable firearm, rifle or shotgun as defined in  
4 section 265.50 of the penal law, or failure to disclose the origin of a  
5 recording in the first degree as defined in section 275.40 of the penal  
6 law;

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

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

16 § 35. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision  
17 3 of section 168-a of the correction law, paragraph (a) of subdivision 2  
18 as amended by chapter 405 of the laws of 2008, subparagraph (i) of para-  
19 graph (a) of subdivision 2 as amended by chapter 189 of the laws of 2018  
20 and paragraph (a) of subdivision 3 as amended by chapter 107 of the laws  
21 of 2006, are amended to read as follows:

22 (a) (i) a conviction of or a conviction for an attempt to commit any  
23 of the provisions of sections 120.70, 130.20, 130.25, 130.30, ~~[130.40,~~  
24 ~~130.45,]~~ 130.60, 230.34, 230.34-a 250.50, 255.25, 255.26 and 255.27 or  
25 article two hundred sixty-three of the penal law, or section 135.05,  
26 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,  
27 provided the victim of such kidnapping or related offense is less than  
28 seventeen years old and the offender is not the parent of the victim, or  
29 section 230.04, where the person patronized is in fact less than seven-  
30 teen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision  
31 two of section 230.30, section 230.32, 230.33, or 230.34 of the penal  
32 law, or section 230.25 of the penal law where the person prostituted is  
33 in fact less than seventeen years old, or (ii) a conviction of or a  
34 conviction for an attempt to commit any of the provisions of section  
35 235.22 of the penal law, or (iii) a conviction of or a conviction for an  
36 attempt to commit any provisions of the foregoing sections committed or  
37 attempted as a hate crime defined in section 485.05 of the penal law or  
38 as a crime of terrorism defined in section 490.25 of such law or as a  
39 sexually motivated felony defined in section 130.91 of such law; or

40 (a) (i) a conviction of or a conviction for an attempt to commit any  
41 of the provisions of sections 130.35, ~~[130.50,~~ 130.65, 130.66, 130.67,  
42 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law, or (ii) a  
43 conviction of or a conviction for an attempt to commit any of the  
44 provisions of sections 130.53, 130.65-a and 130.90 of the penal law, or  
45 (iii) a conviction of or a conviction for an attempt to commit any  
46 provisions of the foregoing sections committed or attempted as a hate  
47 crime defined in section 485.05 of the penal law or as a crime of  
48 terrorism defined in section 490.25 of such law; or

49 § 36. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii)  
50 of paragraph (b) and paragraph (e) of subdivision 8 of section 384-b of  
51 the social services law, subparagraph (ii) of paragraph (a) and subpara-  
52 graph (i) of paragraph (b) as amended by chapter 430 of the laws of  
53 2013, subparagraph (ii) of paragraph (b) as amended and paragraph (e) as  
54 added by chapter 7 of the laws of 1999, are amended to read as follows:

55 (ii) the child has been found to be an abused child, as defined in  
56 paragraph (iii) of subdivision (e) of section ten hundred twelve of the

1 family court act, as a result of such parent's acts; provided, however,  
2 the respondent must have committed or knowingly allowed to be committed  
3 a felony sex offense as defined in sections 130.25, 130.30, 130.35,  
4 ~~[130.40, 130.45, 130.50,]~~ 130.65, 130.67, 130.70, 130.75, 130.80, 130.95  
5 and 130.96 of the penal law and, for the purposes of this section the  
6 corroboration requirements contained in the penal law shall not apply to  
7 proceedings under this section; or

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

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

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

49 § 37. Paragraphs (a) and (b) of subdivision 4 of section 509-cc of the  
50 vehicle and traffic law, paragraph (a) as amended by chapter 189 of the  
51 laws of 2018 and paragraph (b) as amended by chapter 400 of the laws of  
52 2011, are amended to read as follows:

53 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of  
54 subdivision one and paragraph (a) of subdivision two of this section  
55 that result in permanent disqualification shall include a conviction  
56 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,

1 125.25, 125.26, 125.27, 130.30, 130.35, [~~130.45, 130.50,~~] 130.65,  
2 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25,  
3 150.20, 230.30, 230.32, 230.34, 230.34-a, 235.22, 263.05, 263.10,  
4 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of  
5 the aforesaid offenses under section 110.00 of the penal law, or any  
6 offenses committed under a former section of the penal law which would  
7 constitute violations of the aforesaid sections of the penal law, or any  
8 offenses committed outside this state which would constitute violations  
9 of the aforesaid sections of the penal law.

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

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

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



degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen, fifteen, sixteen, or seventeen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in clause (i), (ii) or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor, committed by a person at least twelve but less than eighteen years of age, but only where there have been two prior findings by the court that such person has committed a prior act which, if committed by an adult, would be a felony:

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

4. The probation service shall not adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), [~~subdivision~~ subdivisions one, two and three of section 130.25, (rape in the third degree), [~~subdivision one of section 130.40, (criminal sexual act in the third degree),~~] subdivision one or two of section 130.65, (sexual abuse in the first degree), section 135.65, (coercion in the first degree), section 140.20, (burglary in the third degree), section 150.10, (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two, three or four of section 265.02, (criminal possession of a weapon in the third degree), section 265.03, (criminal possession of a weapon in the second degree), or section 265.04, (criminal possession of a dangerous weapon in the first degree) of the penal law where the child has previously had one or more adjustments of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

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

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

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

2. (a) If the petition states that the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or

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

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

22 § 213-c. Action by victim of conduct constituting certain sexual  
23 offenses. Notwithstanding any other limitation set forth in this arti-  
24 cle, except as provided in subdivision (b) of section two hundred eight  
25 of this article, all civil claims or causes of action brought by any  
26 person for physical, psychological or other injury or condition suffered  
27 by such person as a result of conduct which would constitute rape in the  
28 first degree as defined in section 130.35 of the penal law, or rape in  
29 the second degree as defined in subdivision two of section 130.30 of the  
30 penal law, or rape in the third degree as defined in subdivision one or  
31 three of section 130.25 of the penal law, ~~[or criminal sexual act in the~~  
32 ~~first degree as defined in section 130.50 of the penal law, or criminal~~  
33 ~~sexual act in the second degree as defined in subdivision two of section~~  
34 ~~130.45 of the penal law, or criminal sexual act in the third degree as~~  
35 ~~defined in subdivision one or three of section 130.40 of the penal law,~~  
36 or incest in the first degree as defined in section 255.27 of the penal  
37 law, or incest in the second degree as defined in section 255.26 of the  
38 penal law (where the crime committed is rape in the second degree as  
39 defined in subdivision two of section 130.30 of the penal law ~~[or crimi-~~  
40 ~~nal sexual act in the second degree as defined in subdivision two of~~  
41 ~~section 130.45]~~), or aggravated sexual abuse in the first degree as  
42 defined in section 130.70 of the penal law, or course of sexual conduct  
43 against a child in the first degree as defined in section 130.75 of the  
44 penal law may be brought against any party whose intentional or negli-  
45 gent acts or omissions are alleged to have resulted in the commission of  
46 the said conduct, within twenty years. Nothing in this section shall be  
47 construed to require that a criminal charge be brought or a criminal  
48 conviction be obtained as a condition of bringing a civil cause of  
49 action or receiving a civil judgment pursuant to this section or be  
50 construed to require that any of the rules governing a criminal proceed-  
51 ing be applicable to any such civil action.

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

55 (b) Whenever it is shown that a criminal action against the same  
56 defendant has been commenced with respect to the event or occurrence

1 from which a claim governed by this section arises, and such criminal  
2 action is for rape in the first degree as defined in section 130.35 of  
3 the penal law, [~~or criminal sexual act in the first degree as defined in~~  
4 ~~section 130.50 of the penal law,~~] or aggravated sexual abuse in the  
5 first degree as defined in section 130.70 of the penal law, or course of  
6 sexual conduct against a child in the first degree as defined in section  
7 130.75 of the penal law, the plaintiff shall have at least five years  
8 from the termination of the criminal action as defined in section 1.20  
9 of the criminal procedure law in which to commence the civil action,  
10 notwithstanding that the time in which to commence such action has  
11 already expired or has less than a year remaining.

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

16 11. The owner shall not be liable pursuant to subdivision six, seven,  
17 eight, nine or ten of this section if the dog was coming to the aid or  
18 defense of a person during the commission or attempted commission of a  
19 murder, robbery, burglary, arson, rape in the first degree as defined in  
20 paragraph (a) or (b) of subdivision one [~~or~~], paragraph (a) or (b) of  
21 subdivision two or paragraph (a) or (b) of subdivision three of section  
22 130.35 of the penal law[, ~~criminal sexual act in the first degree as~~  
23 ~~defined in subdivision one or two of section 130.50 of the penal law~~] or  
24 kidnapping within the dwelling or upon the real property of the owner of  
25 the dog and the dog injured or killed the person committing such crimi-  
26 nal activity.

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

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

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

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

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

45 1. (a) In a case where an indictment or a superior court information  
46 has been filed with a superior court which charges the defendant with a  
47 felony offense enumerated in any section of article one hundred thirty  
48 of the penal law where an act of "[~~sexual intercourse~~] vaginal sexual  
49 contact", "oral sexual [~~conduct~~] contact" or "anal sexual [~~conduct~~]  
50 contact," as those terms are defined in section 130.00 of the penal law,  
51 is required as an essential element for the commission thereof, the  
52 court shall, upon a request of the victim within six months of the date  
53 of the crimes charged, order that the defendant submit to human immuno-  
54 deficiency virus (HIV) related testing. Testing of a defendant shall be  
55 ordered when the result would provide medical benefit to the victim or a  
56 psychological benefit to the victim. Medical benefit shall be found when

1 the following elements are satisfied: (i) a decision is pending about  
2 beginning, continuing, or discontinuing a medical intervention for the  
3 victim; and (ii) the result of an HIV test of the accused could affect  
4 that decision, and could provide relevant information beyond that which  
5 would be provided by an HIV test of the victim. If testing the defendant  
6 would provide medical benefit to the victim or a psychological benefit  
7 to the victim, then the testing is to be conducted by a state, county,  
8 or local public health officer designated by the order. Test results,  
9 which shall not be disclosed to the court, shall be communicated to the  
10 defendant and the victim named in the order in accordance with the  
11 provisions of section twenty-seven hundred eighty-five-a of the public  
12 health law.

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

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

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

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

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

51 1. (a) In any proceeding where the respondent is found pursuant to  
52 section 345.1 or 346.1 of this article, to have committed a felony  
53 offense enumerated in any section of article one hundred thirty of the  
54 penal law, or any subdivision of section 130.20 of such law, for which  
55 an act of "[~~sexual intercourse~~ vaginal sexual contact", "oral sexual  
56 [~~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 court must, upon a request of the victim, order that the respondent submit to human immunodeficiency (HIV) related testing. The testing is to be conducted by a state, county, or local public health officer designated by the order. Test results, which shall not be disclosed to the court, shall be communicated to the respondent and the victim named in the order in accordance with the provisions of section twenty-seven hundred eighty-five-a of the public health law.

(b) For the purposes of this section, the term "victim" means the person with whom the respondent engaged in an act of "[~~sexual-inter-~~  
~~course~~] 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, where such conduct with such victim was the basis for the court's finding that the respondent committed acts constituting one or more of the offenses specified in paragraph (a) of this subdivision.

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

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

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

§ 130.20 Sexual misconduct.

A person is guilty of sexual misconduct when:

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

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

3. He or she engages in anal sexual contact with another person without such person's consent; or

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

Sexual misconduct is a class A misdemeanor.

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

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

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of [~~sexual-intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact or aggravated sexual contact, with a child less 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



1 ~~contact~~, [~~eriminal-sexual-act~~] oral sexual contact, anal sexual contact,  
2 sexual bestiality, masturbation, sadism, masochism, excretion or lewd  
3 exhibition of the genitals, and (c) considered as a whole, it lacks  
4 serious literary, artistic, political, and scientific value. Predominant  
5 appeal shall be judged with reference to ordinary adults unless it  
6 appears from the character of the material or the circumstances of its  
7 dissemination to be designed for children or other [~~specially~~] especial-  
8 ly susceptible audience.

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

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

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

18 § 255.25 Incest in the third degree.

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

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

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

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

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

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

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

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

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

49 (4) The commission of an act of adultery, provided that adultery for  
50 the purposes of articles ten, eleven, and eleven-A of this chapter, is  
51 hereby defined as the commission of an act of [~~sexual-intercourse~~] vagi-  
52 nal sexual contact, oral sexual [~~conduct~~] contact or anal sexual  
53 [~~conduct~~] contact, voluntarily performed by the defendant, with a person  
54 other than the plaintiff after the marriage of plaintiff and defendant.  
55 Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~] contact include,  
56 but are not limited to, sexual conduct as defined in subdivision two of

1 section 130.00 and subdivision [~~three~~] four of section 130.20 of the  
2 penal law.

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

6 A person is guilty of coercion in the second degree when he or she  
7 commits the crime of coercion in the third degree as defined in section  
8 135.60 of this article and thereby compels or induces a person to engage  
9 in [~~sexual intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~]  
10 contact or anal sexual [~~conduct~~] contact as such terms are defined in  
11 section [~~130 of the penal law~~] 130.00 of this title.

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

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

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

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

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

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

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

49 4. The commission of an act of adultery by the defendant; except where  
50 such offense is committed by the procurement or with the connivance of  
51 the plaintiff or where there is voluntary cohabitation of the parties  
52 with the knowledge of the offense or where action was not commenced  
53 within five years after the discovery by the plaintiff of the offense  
54 charged or where the plaintiff has also been guilty of adultery under  
55 such circumstances that the defendant would have been entitled, if inno-  
56 cent, to a divorce, provided that adultery for the purposes of this

subdivision 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.

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

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