

# STATE OF NEW YORK

8008

## IN SENATE

January 5, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 and the judiciary law, in relation to certain sex offenses; and to amend a chapter of the laws of 2023, amending 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 relating to sex offenses, as proposed in legislative bills numbers S. 3161 and A. 3340, in relation to the effectiveness thereof

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

1 Section 1. Subdivision 10 of section 130.00 of the penal law, as  
2 amended by chapter 264 of the laws of 2003, is amended to read as  
3 follows:

4 10. "Sexual conduct" means vaginal sexual [~~intercourse~~] contact, oral  
5 sexual [~~conduct~~] contact, anal sexual [~~conduct~~] contact, aggravated  
6 sexual contact, or sexual contact.

7 § 2. Paragraph 2 of subdivision 18 of section 10.00 of the penal law,  
8 as amended by a chapter of the laws of 2023 amending the penal law, the  
9 criminal procedure law, the correction law, the social services law, the  
10 vehicle and traffic law, the family court act, the civil rights law, the  
11 civil practice law and rules, the agriculture and markets law, the judi-  
12 ciary law and the domestic relations law relating to sex offenses, as  
13 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
14 read as follows:

15 (2) a person fourteen or fifteen years old who is criminally responsi-  
16 ble for acts constituting the crimes defined in subdivisions one and two  
17 of section 125.25 (murder in the second degree) and in subdivision three  
18 of such section provided that the underlying crime for the murder charge

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

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1 is one for which such person is criminally responsible; section 135.25  
2 (kidnapping in the first degree); 150.20 (arson in the first degree);  
3 subdivisions one and two of section 120.10 (assault in the first  
4 degree); 125.20 (manslaughter in the first degree); paragraphs (a) and  
5 (b) of subdivision one, paragraphs (a) and (b) of subdivision two, and  
6 paragraphs (a) and (b) of subdivision three of section 130.35 (rape in  
7 the first degree); former subdivisions one and two of section 130.35  
8 (rape in the first degree); subdivisions one and two of the former  
9 section 130.50; 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 such conduct as a sexually motivated felony, where authorized pursu-  
19 ant to section 130.91 of this chapter.

20 § 3. Subdivision 2 of section 30.00 of the penal law, as amended by a  
21 chapter of the laws of 2023 amending the penal law, the criminal proce-  
22 dure law, the correction law, the social services law, the vehicle and  
23 traffic law, the family court act, the civil rights law, the civil prac-  
24 tice law and rules, the agriculture and markets law, the judiciary law  
25 and the domestic relations law relating to sex offenses, as proposed in  
26 legislative bills numbers S. 3161 and A. 3340, is amended to read as  
27 follows:

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

55 § 4. Paragraph (b) of subdivision 2 of section 35.15 of the penal law,  
56 as amended by a chapter of the laws of 2023 amending the penal law, the

1 criminal procedure law, the correction law, the social services law, the  
2 vehicle and traffic law, the family court act, the civil rights law, the  
3 civil practice law and rules, the agriculture and markets law, the judi-  
4 ciary law and the domestic relations law relating to sex offenses, as  
5 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
6 read as follows:

7 (b) He or she reasonably believes that such other person is committing  
8 or attempting to commit a kidnapping, forcible rape, forcible aggravated  
9 sexual abuse, a crime formerly defined in section 130.50 of this chapter  
10 by force, or robbery; or

11 § 5. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the  
12 penal law, paragraph (a) as amended by chapter 189 of the laws of 2018  
13 and paragraph (c) as amended by a chapter of the laws of 2023 amending  
14 the penal law, the criminal procedure law, the correction law, the  
15 social services law, the vehicle and traffic law, the family court act,  
16 the civil rights law, the civil practice law and rules, the agriculture  
17 and markets law, the judiciary law and the domestic relations law relat-  
18 ing to sex offenses, as proposed in legislative bills numbers S. 3161  
19 and A. 3340, are amended to read as follows:

20 (a) Class B violent felony offenses: an attempt to commit the class  
21 A-I felonies of murder in the second degree as defined in section  
22 125.25, kidnapping in the first degree as defined in section 135.25, and  
23 arson in the first degree as defined in section 150.20; manslaughter in  
24 the first degree as defined in section 125.20, aggravated manslaughter  
25 in the first degree as defined in section 125.22, rape in the first  
26 degree as defined in section 130.35, [~~criminal sexual act in the first~~  
27 ~~degree as~~] a crime formerly defined in section 130.50, aggravated sexual  
28 abuse in the first degree as defined in section 130.70, course of sexual  
29 conduct against a child in the first degree as defined in section  
30 130.75[+], assault in the first degree as defined in section 120.10,  
31 kidnapping in the second degree as defined in section 135.20, burglary  
32 in the first degree as defined in section 140.30, arson in the second  
33 degree as defined in section 150.15, robbery in the first degree as  
34 defined in section 160.15, sex trafficking as defined in paragraphs (a)  
35 and (b) of subdivision five of section 230.34, sex trafficking of a  
36 child as defined in section 230.34-a, incest in the first degree as  
37 defined in section 255.27, criminal possession of a weapon in the first  
38 degree as defined in section 265.04, criminal use of a firearm in the  
39 first degree as defined in section 265.09, criminal sale of a firearm in  
40 the first degree as defined in section 265.13, aggravated assault upon a  
41 police officer or a peace officer as defined in section 120.11, gang  
42 assault in the first degree as defined in section 120.07, intimidating a  
43 victim or witness in the first degree as defined in section 215.17,  
44 hindering prosecution of terrorism in the first degree as defined in  
45 section 490.35, criminal possession of a chemical weapon or biological  
46 weapon in the second degree as defined in section 490.40, and criminal  
47 use of a chemical weapon or biological weapon in the third degree as  
48 defined in section 490.47.

49 (c) Class D violent felony offenses: an attempt to commit any of the  
50 class C felonies set forth in paragraph (b); reckless assault of a child  
51 as defined in section 120.02, assault in the second degree as defined in  
52 section 120.05, menacing a police officer or peace officer as defined in  
53 section 120.18, stalking in the first degree, as defined in subdivision  
54 one of section 120.60, strangulation in the second degree as defined in  
55 section 121.12, rape in the second degree as defined in section 130.30,  
56 a crime formerly defined in section 130.45, sexual abuse in the first

1 degree as defined in section 130.65, course of sexual conduct against a  
2 child in the second degree as defined in section 130.80, aggravated  
3 sexual abuse in the third degree as defined in section 130.66, facili-  
4 tating a sex offense with a controlled substance as defined in section  
5 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdi-  
6 vision three of section 135.35, criminal possession of a weapon in the  
7 third degree as defined in subdivision five, six, seven, eight, nine or  
8 ten of section 265.02, criminal sale of a firearm in the third degree as  
9 defined in section 265.11, intimidating a victim or witness in the  
10 second degree as defined in section 215.16, soliciting or providing  
11 support for an act of terrorism in the second degree as defined in  
12 section 490.10, and making a terroristic threat as defined in section  
13 490.20, falsely reporting an incident in the first degree as defined in  
14 section 240.60, placing a false bomb or hazardous substance in the first  
15 degree as defined in section 240.62, placing a false bomb or hazardous  
16 substance in a sports stadium or arena, mass transportation facility or  
17 enclosed shopping mall as defined in section 240.63, aggravated unper-  
18 mitted use of indoor pyrotechnics in the first degree as defined in  
19 section 405.18, and criminal manufacture, sale, or transport of an unde-  
20 tectable firearm, rifle or shotgun as defined in section 265.50.

21 § 6. Paragraph b of subdivision 5 of section 120.40 of the penal law,  
22 as amended by a chapter of the laws of 2023 amending the penal law, the  
23 criminal procedure law, the correction law, the social services law, the  
24 vehicle and traffic law, the family court act, the civil rights law, the  
25 civil practice law and rules, the agriculture and markets law, the judi-  
26 ciary law and the domestic relations law relating to sex offenses, as  
27 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
28 read as follows:

29 b. a crime defined in section 130.20, 130.25, 130.30, 130.55, 130.60,  
30 130.70, 255.25, 255.26 or 255.27, or formerly defined in section 130.40  
31 or 130.45;

32 § 7. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision 3  
33 of section 130.05 of the penal law, as amended by a chapter of the laws  
34 of 2023 amending the penal law, the criminal procedure law, the  
35 correction law, the social services law, the vehicle and traffic law,  
36 the family court act, the civil rights law, the civil practice law and  
37 rules, the agriculture and markets law, the judiciary law and the domes-  
38 tic relations law relating to sex offenses, as proposed in legislative  
39 bills numbers S. 3161 and A. 3340, are amended to read as follows:

40 (d) Where the offense charged is rape in the third degree as defined  
41 in subdivision seven, eight or nine of section 130.25, or a crime  
42 formerly defined in subdivision three of section 130.40, in addition to  
43 forcible [~~vaginal sexual contact~~] compulsion, circumstances under which,  
44 at the time of the act of [~~intercourse~~] vaginal sexual contact, oral  
45 sexual contact or anal sexual contact, the victim clearly expressed that  
46 he or she did not consent to engage in such act, and a reasonable person  
47 in the actor's situation would have understood such person's words and  
48 acts as an expression of lack of consent to such act under all the  
49 circumstances.

50 (h) a client or patient and the actor is a health care provider or  
51 mental health care provider charged with rape in the third degree as  
52 defined in section 130.25, a crime formerly defined in section 130.40,  
53 aggravated sexual abuse in the fourth degree as defined in section  
54 130.65-a, or sexual abuse in the third degree as defined in section  
55 130.55, and the act of sexual conduct occurs during a treatment session,  
56 consultation, interview, or examination; or

1 § 8. The opening paragraph of subdivision 3 of section 125.25 of the  
2 penal law, as amended by a chapter of the laws of 2023 amending the  
3 penal law, the criminal procedure law, the correction law, the social  
4 services law, the vehicle and traffic law, the family court act, the  
5 civil rights law, the civil practice law and rules, the agriculture and  
6 markets law, the judiciary law and the domestic relations law relating  
7 to sex offenses, as proposed in legislative bills numbers S. 3161 and A.  
8 3340, is amended to read as follows:

9 Acting either alone or with one or more other persons, he commits or  
10 attempts to commit robbery, burglary, kidnapping, arson, rape in the  
11 first degree, a crime formerly defined in section 130.50 of this title,  
12 the crime of sexual abuse in the first degree, aggravated sexual abuse,  
13 escape in the first degree, or escape in the second degree, and, in the  
14 course of and in furtherance of such crime or of immediate flight there-  
15 from, he, or another participant, if there be any, causes the death of a  
16 person other than one of the participants; except that in any prose-  
17 cution under this subdivision, in which the defendant was not the only  
18 participant in the underlying crime, it is an affirmative defense that  
19 the defendant:

20 § 9. Subdivision 5 of section 125.25 of the penal law, as amended by a  
21 chapter of the laws of 2023 amending the penal law, the criminal proce-  
22 dure law, the correction law, the social services law, the vehicle and  
23 traffic law, the family court act, the civil rights law, the civil prac-  
24 tice law and rules, the agriculture and markets law, the judiciary law  
25 and the domestic relations law relating to sex offenses, as proposed in  
26 legislative bills numbers S. 3161 and A. 3340, is amended to read as  
27 follows:

28 5. Being eighteen years old or more, while in the course of committing  
29 rape in the first, second or third degree, a crime formerly defined in  
30 section 130.50, 130.45 or 130.40 of this title, the crime of sexual  
31 abuse in the first degree, aggravated sexual abuse in the first, second,  
32 third or fourth degree, or incest in the first, second or third degree,  
33 against a person less than fourteen years old, he or she intentionally  
34 causes the death of such person.

35 § 10. Subparagraph (vii) of paragraph (a) of subdivision 1 of section  
36 125.27 of the penal law, as amended by a chapter of the laws of 2023  
37 amending the penal law, the criminal procedure law, the correction law,  
38 the social services law, the vehicle and traffic law, the family court  
39 act, the civil rights law, the civil practice law and rules, the agri-  
40 culture and markets law, the judiciary law and the domestic relations  
41 law relating to sex offenses, as proposed in legislative bills numbers  
42 S. 3161 and A. 3340, is amended to read as follows:

43 (vii) the victim was killed while the defendant was in the course of  
44 committing or attempting to commit and in furtherance of robbery,  
45 burglary in the first degree or second degree, kidnapping in the first  
46 degree, arson in the first degree or second degree, rape in the first  
47 degree, a crime formerly defined in section 130.50 of this title, sexual  
48 abuse in the first degree, aggravated sexual abuse in the first degree  
49 or escape in the first degree, or in the course of and furtherance of  
50 immediate flight after committing or attempting to commit any such crime  
51 or in the course of and furtherance of immediate flight after attempting  
52 to commit the crime of murder in the second degree; provided however,  
53 the victim is not a participant in one of the aforementioned crimes and,  
54 provided further that, unless the defendant's criminal liability under  
55 this subparagraph is based upon the defendant having commanded another  
56 person to cause the death of the victim or intended victim pursuant to

1 section 20.00 of this chapter, this subparagraph shall not apply where  
2 the defendant's criminal liability is based upon the conduct of another  
3 pursuant to section 20.00 of this chapter; or

4 § 11. Subdivision 3 of section 130.10 of the penal law, as amended by  
5 a chapter of the laws of 2023 amending the penal law, the criminal  
6 procedure law, the correction law, the social services law, the vehicle  
7 and traffic law, the family court act, the civil rights law, the civil  
8 practice law and rules, the agriculture and markets law, the judiciary  
9 law and the domestic relations law relating to sex offenses, as proposed  
10 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
11 follows:

12 3. In any prosecution for the crime of rape in the third degree as  
13 defined in section 130.25, a crime formerly defined in section 130.40,  
14 aggravated sexual abuse in the fourth degree as defined in section  
15 130.65-a, or sexual abuse in the third degree as defined in section  
16 130.55 in which incapacity to consent is based on the circumstances set  
17 forth in paragraph (h) of subdivision three of section 130.05 of this  
18 article it shall be an affirmative defense that the client or patient  
19 consented to such conduct charged after having been expressly advised by  
20 the health care or mental health care provider that such conduct was not  
21 performed for a valid medical purpose.

22 § 12. The opening paragraph and subdivision 2 of section 130.95 of the  
23 penal law, as amended by a chapter of the laws of 2023 amending the  
24 penal law, the criminal procedure law, the correction law, the social  
25 services law, the vehicle and traffic law, the family court act, the  
26 civil rights law, the civil practice law and rules, the agriculture and  
27 markets law, the judiciary law and the domestic relations law relating  
28 to sex offenses, as proposed in legislative bills numbers S. 3161 and A.  
29 3340, are amended to read as follows:

30 A person is guilty of predatory sexual assault when he or she commits  
31 the crime of rape in the first degree, a crime formerly defined in  
32 section 130.50 of this title, the crime of aggravated sexual abuse in  
33 the first degree, or course of sexual conduct against a child in the  
34 first degree, as defined in this article, and when:

35 2. He or she has engaged in conduct constituting the crime of rape in  
36 the first degree, a crime formerly defined in section 130.50 of this  
37 title, the crime of aggravated sexual abuse in the first degree, or  
38 course of sexual conduct against a child in the first degree, as defined  
39 in this article, against one or more additional persons; or

40 § 13. The opening paragraph of section 130.96 of the penal law, as  
41 amended by a chapter of the laws of 2023 amending the penal law, the  
42 criminal procedure law, the correction law, the social services law, the  
43 vehicle and traffic law, the family court act, the civil rights law, the  
44 civil practice law and rules, the agriculture and markets law, the judi-  
45 ciary law and the domestic relations law relating to sex offenses, as  
46 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
47 read as follows:

48 A person is guilty of predatory sexual assault against a child when,  
49 being eighteen years old or more, he or she commits the crime of rape in  
50 the first degree, a crime formerly defined in section 130.50 of this  
51 title, the crime of aggravated sexual abuse in the first degree, or  
52 course of sexual conduct against a child in the first degree, as defined  
53 in this article, and the victim is less than thirteen years old.

54 § 14. Subdivision 2 of section 240.75 of the penal law, as amended by  
55 a chapter of the laws of 2023 amending the penal law, the criminal  
56 procedure law, the correction law, the social services law, the vehicle

1 and traffic law, the family court act, the civil rights law, the civil  
2 practice law and rules, the agriculture and markets law, the judiciary  
3 law and the domestic relations law relating to sex offenses, as proposed  
4 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
5 follows:

6 2. A "specified offense" is an offense defined in section 120.00  
7 (assault in the third degree); section 120.05 (assault in the second  
8 degree); section 120.10 (assault in the first degree); section 120.13  
9 (menacing in the first degree); section 120.14 (menacing in the second  
10 degree); section 120.15 (menacing in the third degree); section 120.20  
11 (reckless endangerment in the second degree); section 120.25 (reckless  
12 endangerment in the first degree); section 120.45 (stalking in the  
13 fourth degree); section 120.50 (stalking in the third degree); section  
14 120.55 (stalking in the second degree); section 120.60 (stalking in the  
15 first degree); section 121.11 (criminal obstruction of breathing or  
16 blood circulation); section 121.12 (strangulation in the second degree);  
17 section 121.13 (strangulation in the first degree); subdivision one of  
18 section 125.15 (manslaughter in the second degree); subdivision one, two  
19 or four of section 125.20 (manslaughter in the first degree); section  
20 125.25 (murder in the second degree); section 130.20 (sexual miscon-  
21 duct); section 130.25 (rape in the third degree); section 130.30 (rape  
22 in the second degree); section 130.35 (rape in the first degree);  
23 formerly defined in section 130.40; formerly defined in section 130.45;  
24 formerly defined in section 130.50; defined in section 130.52 (forcible  
25 touching); section 130.53 (persistent sexual abuse); section 130.55  
26 (sexual abuse in the third degree); section 130.60 (sexual abuse in the  
27 second degree); section 130.65 (sexual abuse in the first degree);  
28 section 130.66 (aggravated sexual abuse in the third degree); section  
29 130.67 (aggravated sexual abuse in the second degree); section 130.70  
30 (aggravated sexual abuse in the first degree); section 130.91 (sexually  
31 motivated felony); section 130.95 (predatory sexual assault); section  
32 130.96 (predatory sexual assault against a child); section 135.05  
33 (unlawful imprisonment in the second degree); section 135.10 (unlawful  
34 imprisonment in the first degree); section 135.60 (coercion in the third  
35 degree); section 135.61 (coercion in the second degree); section 135.65  
36 (coercion in the first degree); section 140.20 (burglary in the third  
37 degree); section 140.25 (burglary in the second degree); section 140.30  
38 (burglary in the first degree); section 145.00 (criminal mischief in the  
39 fourth degree); section 145.05 (criminal mischief in the third degree);  
40 section 145.10 (criminal mischief in the second degree); section 145.12  
41 (criminal mischief in the first degree); section 145.14 (criminal  
42 tampering in the third degree); section 215.50 (criminal contempt in the  
43 second degree); section 215.51 (criminal contempt in the first degree);  
44 section 215.52 (aggravated criminal contempt); section 240.25 (harass-  
45 ment in the first degree); subdivision one, two or four of section  
46 240.30 (aggravated harassment in the second degree); aggravated family  
47 offense as defined in this section or any attempt or conspiracy to  
48 commit any of the foregoing offenses where the defendant and the person  
49 against whom the offense was committed were members of the same family  
50 or household as defined in subdivision one of section 530.11 of the  
51 criminal procedure law.

52 § 15. Section 255.26 of the penal law, as amended by a chapter of the  
53 laws of 2023 amending the penal law, the criminal procedure law, the  
54 correction law, the social services law, the vehicle and traffic law,  
55 the family court act, the civil rights law, the civil practice law and  
56 rules, the agriculture and markets law, the judiciary law and the domes-

1 tic relations law relating to sex offenses, as proposed in legislative  
2 bills numbers S. 3161 and A. 3340, is amended to read as follows:

3 § 255.26 Incest in the second degree.

4 A person is guilty of incest in the second degree when he or she  
5 commits the crime of rape in the second degree, as defined in section  
6 130.30 of this part, or a crime formerly defined in section 130.45 of  
7 this part, against a person whom he or she knows to be related to him or  
8 her, whether through marriage or not, as an ancestor, descendant, broth-  
9 er or sister of either the whole or the half blood, uncle, aunt, nephew  
10 or niece.

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

12 § 16. Section 255.27 of the penal law, as amended by a chapter of the  
13 laws of 2023 amending the penal law, the criminal procedure law, the  
14 correction law, the social services law, the vehicle and traffic law,  
15 the family court act, the civil rights law, the civil practice law and  
16 rules, the agriculture and markets law, the judiciary law and the domes-  
17 tic relations law relating to sex offenses, as proposed in legislative  
18 bills numbers S. 3161 and A. 3340, is amended to read as follows:

19 § 255.27 Incest in the first degree.

20 A person is guilty of incest in the first degree when he or she  
21 commits the crime of rape in the first degree, as defined in paragraph  
22 (c) or (d) of subdivision one, paragraph (c) or (d) of subdivision two  
23 or paragraph (c) or (d) of subdivision three of section 130.35 of this  
24 part, rape in the first degree as defined in former subdivision three or  
25 four of section 130.35 of this part, or a crime formerly defined in  
26 subdivision three or four of section 130.50 of this part, against a  
27 person whom he or she knows to be related to him or her, whether through  
28 marriage or not, as an ancestor, descendant, brother or sister of either  
29 the whole or half blood, uncle, aunt, nephew or niece.

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

31 § 17. Subdivision 3 of section 485.05 of the penal law, as amended by  
32 a chapter of the laws of 2023 amending the penal law, the criminal  
33 procedure law, the correction law, the social services law, the vehicle  
34 and traffic law, the family court act, the civil rights law, the civil  
35 practice law and rules, the agriculture and markets law, the judiciary  
36 law and the domestic relations law relating to sex offenses, as proposed  
37 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
38 follows:

39 3. A "specified offense" is an offense defined by any of the following  
40 provisions of this chapter: section 120.00 (assault in the third  
41 degree); section 120.05 (assault in the second degree); section 120.10  
42 (assault in the first degree); section 120.12 (aggravated assault upon a  
43 person less than eleven years old); section 120.13 (menacing in the  
44 first degree); section 120.14 (menacing in the second degree); section  
45 120.15 (menacing in the third degree); section 120.20 (reckless endan-  
46 germent in the second degree); section 120.25 (reckless endangerment in  
47 the first degree); section 121.12 (strangulation in the second degree);  
48 section 121.13 (strangulation in the first degree); subdivision one of  
49 section 125.15 (manslaughter in the second degree); subdivision one, two  
50 or four of section 125.20 (manslaughter in the first degree); section  
51 125.25 (murder in the second degree); section 120.45 (stalking in the  
52 fourth degree); section 120.50 (stalking in the third degree); section  
53 120.55 (stalking in the second degree); section 120.60 (stalking in the  
54 first degree); paragraph (a) of subdivision one, paragraph (a) of subdi-  
55 vision two and paragraph (a) of subdivision three of section 130.35  
56 (rape in the first degree); former subdivision one of section 130.35

1 (rape in the first degree); subdivision one of former section 130.50;  
2 subdivision one of section 130.65 (sexual abuse in the first degree);  
3 paragraph (a) of subdivision one of section 130.67 (aggravated sexual  
4 abuse in the second degree); paragraph (a) of subdivision one of section  
5 130.70 (aggravated sexual abuse in the first degree); section 135.05  
6 (unlawful imprisonment in the second degree); section 135.10 (unlawful  
7 imprisonment in the first degree); section 135.20 (kidnapping in the  
8 second degree); section 135.25 (kidnapping in the first degree); section  
9 135.60 (coercion in the third degree); section 135.61 (coercion in the  
10 second degree); section 135.65 (coercion in the first degree); section  
11 140.10 (criminal trespass in the third degree); section 140.15 (criminal  
12 trespass in the second degree); section 140.17 (criminal trespass in the  
13 first degree); section 140.20 (burglary in the third degree); section  
14 140.25 (burglary in the second degree); section 140.30 (burglary in the  
15 first degree); section 145.00 (criminal mischief in the fourth degree);  
16 section 145.05 (criminal mischief in the third degree); section 145.10  
17 (criminal mischief in the second degree); section 145.12 (criminal  
18 mischief in the first degree); section 150.05 (arson in the fourth  
19 degree); section 150.10 (arson in the third degree); section 150.15  
20 (arson in the second degree); section 150.20 (arson in the first  
21 degree); section 155.25 (petit larceny); section 155.30 (grand larceny  
22 in the fourth degree); section 155.35 (grand larceny in the third  
23 degree); section 155.40 (grand larceny in the second degree); section  
24 155.42 (grand larceny in the first degree); section 160.05 (robbery in  
25 the third degree); section 160.10 (robbery in the second degree);  
26 section 160.15 (robbery in the first degree); section 240.25 (harassment  
27 in the first degree); subdivision one, two or four of section 240.30  
28 (aggravated harassment in the second degree); section 490.10 (soliciting  
29 or providing support for an act of terrorism in the second degree);  
30 section 490.15 (soliciting or providing support for an act of terrorism  
31 in the first degree); section 490.20 (making a terroristic threat);  
32 section 490.25 (crime of terrorism); section 490.30 (hindering prose-  
33 cution of terrorism in the second degree); section 490.35 (hindering  
34 prosecution of terrorism in the first degree); section 490.37 (criminal  
35 possession of a chemical weapon or biological weapon in the third  
36 degree); section 490.40 (criminal possession of a chemical weapon or  
37 biological weapon in the second degree); section 490.45 (criminal  
38 possession of a chemical weapon or biological weapon in the first  
39 degree); section 490.47 (criminal use of a chemical weapon or biological  
40 weapon in the third degree); section 490.50 (criminal use of a chemical  
41 weapon or biological weapon in the second degree); section 490.55 (crim-  
42 inal use of a chemical weapon or biological weapon in the first degree);  
43 or any attempt or conspiracy to commit any of the foregoing offenses.

44 § 18. Subdivision 42 of section 1.20 of the criminal procedure law, as  
45 amended by a chapter of the laws of 2023 amending the penal law, the  
46 criminal procedure law, the correction law, the social services law, the  
47 vehicle and traffic law, the family court act, the civil rights law, the  
48 civil practice law and rules, the agriculture and markets law, the judi-  
49 ciary law and the domestic relations law relating to sex offenses, as  
50 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
51 read as follows:

52 42. "Juvenile offender" means (1) a person, thirteen years old who is  
53 criminally responsible for acts constituting murder in the second degree  
54 as defined in subdivisions one and two of section 125.25 of the penal  
55 law, or such conduct as a sexually motivated felony, where authorized  
56 pursuant to section 130.91 of the penal law; and (2) a person fourteen

1 or fifteen years old who is criminally responsible for acts constituting  
2 the crimes defined in subdivisions one and two of section 125.25 (murder  
3 in the second degree) and in subdivision three of such section provided  
4 that the underlying crime for the murder charge is one for which such  
5 person is criminally responsible; section 135.25 (kidnapping in the  
6 first degree); 150.20 (arson in the first degree); subdivisions one and  
7 two of section 120.10 (assault in the first degree); 125.20 (manslaught-  
8 er in the first degree); paragraphs (a) and (b) of subdivision one,  
9 paragraphs (a) and (b) of subdivision two and paragraphs (a) and (b) of  
10 subdivision three of section 130.35 (rape in the first degree); former  
11 subdivisions one and two of section 130.35 (rape in the first degree);  
12 subdivisions one and two of former section 130.50; 130.70 (aggravated  
13 sexual abuse in the first degree); 140.30 (burglary in the first  
14 degree); subdivision one of section 140.25 (burglary in the second  
15 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
16 first degree); subdivision two of section 160.10 (robbery in the second  
17 degree) of the penal law; or section 265.03 of the penal law, where such  
18 machine gun or such firearm is possessed on school grounds, as that  
19 phrase is defined in subdivision fourteen of section 220.00 of the penal  
20 law; or defined in the penal law as an attempt to commit murder in the  
21 second degree or kidnapping in the first degree, or such conduct as a  
22 sexually motivated felony, where authorized pursuant to section 130.91  
23 of the penal law.

24 § 19. Paragraphs (a) and (b) of subdivision 1, the opening paragraph  
25 of subdivision 2 and paragraph (a) of subdivision 3 of section 140.20 of  
26 the criminal procedure law, as amended by a chapter of the laws of 2023  
27 amending the penal law, the criminal procedure law, the correction law,  
28 the social services law, the vehicle and traffic law, the family court  
29 act, the civil rights law, the civil practice law and rules, the agri-  
30 culture and markets law, the judiciary law and the domestic relations  
31 law relating to sex offenses, as proposed in legislative bills numbers  
32 S. 3161 and A. 3340, are amended to read as follows:

33 (a) If the arrest is for an offense other than a class A, B, C or D  
34 felony or a violation of section 130.25, former section 130.40, section  
35 205.10, 205.17, 205.19 or 215.56 of the penal law committed in a town,  
36 but not in a village thereof having a village court, and the town court  
37 of such town is not available at the time, the arrested person may be  
38 brought before the local criminal court of any village within such town  
39 or, any adjoining town, village embraced in whole or in part by such  
40 adjoining town, or city of the same county; and

41 (b) If the arrest is for an offense other than a class A, B, C or D  
42 felony or a violation of section 130.25, former section 130.40, section  
43 205.10, 205.17, 205.19 or 215.56 of the penal law committed in a village  
44 having a village court and such court is not available at the time, the  
45 arrested person may be brought before the town court of the town embrac-  
46 ing such village or any other village court within such town, or, if  
47 such town or village court is not available either, before the local  
48 criminal court of any adjoining town, village embraced in whole or in  
49 part by such adjoining town, or city of the same county; and

50 If the arrest is for an offense other than a class A, B, C or D felony  
51 or a violation of section 130.25, former section 130.40, section 205.10,  
52 205.17, 205.19 or 215.56 of the penal law, the arrested person need not  
53 be brought before a local criminal court as provided in subdivision one,  
54 and the procedure may instead be as follows:

1 (a) the arrest is for an offense other than a class A, B, C or D felo-  
2 ny or a violation of section 130.25, former section 130.40, section  
3 205.10, 205.17, 205.19 or 215.56 of the penal law, and

4 § 20. Paragraph (a) of subdivision 3 and the opening paragraph of  
5 subdivision 4 of section 140.27 of the criminal procedure law, as  
6 amended by a chapter of the laws of 2023 amending the penal law, the  
7 criminal procedure law, the correction law, the social services law, the  
8 vehicle and traffic law, the family court act, the civil rights law, the  
9 civil practice law and rules, the agriculture and markets law, the judi-  
10 ciary law and the domestic relations law relating to sex offenses, as  
11 proposed in legislative bills numbers S. 3161 and A. 3340, are amended  
12 to read as follows:

13 (a) the arrest is for an offense other than a class A, B, C or D felo-  
14 ny or a violation of section 130.25, former section 130.40, section  
15 205.10, 205.17, 205.19 or 215.56 of the penal law and

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

21 § 21. Paragraph (a) of subdivision 2 and the opening paragraph of  
22 subdivision 3 of section 140.40 of the criminal procedure law, as  
23 amended by a chapter of the laws of 2023 amending the penal law, the  
24 criminal procedure law, the correction law, the social services law, the  
25 vehicle and traffic law, the family court act, the civil rights law, the  
26 civil practice law and rules, the agriculture and markets law, the judi-  
27 ciary law and the domestic relations law relating to sex offenses, as  
28 proposed in legislative bills numbers S. 3161 and A. 3340, are amended  
29 to read as follows:

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

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

38 § 22. Paragraph (a) of subdivision 1 of section 150.20 of the criminal  
39 procedure law, as amended by a chapter of the laws of 2023 amending the  
40 penal law, the criminal procedure law, the correction law, the social  
41 services law, the vehicle and traffic law, the family court act, the  
42 civil rights law, the civil practice law and rules, the agriculture and  
43 markets law, the judiciary law and the domestic relations law relating  
44 to sex offenses, as proposed in legislative bills numbers S. 3161 and A.  
45 3340, is amended to read as follows:

46 (a) Whenever a police officer is authorized pursuant to section 140.10  
47 of this title to arrest a person without a warrant for an offense other  
48 than a class A, B, C or D felony or a violation of section 130.25,  
49 former section 130.40, section 205.10, 205.17, 205.19 or 215.56 of the  
50 penal law, he shall, except as set out in paragraph (b) of this subdivi-  
51 sion, subject to the provisions of subdivisions three and four of  
52 section 150.40 of this title, instead issue to and serve upon such  
53 person an appearance ticket.

54 § 23. Subdivision (a) of section 190.71 of the criminal procedure law,  
55 as amended by a chapter of the laws of 2023 amending the penal law, the  
56 criminal procedure law, the correction law, the social services law, the

1 vehicle and traffic law, the family court act, the civil rights law, the  
2 civil practice law and rules, the agriculture and markets law, the judi-  
3 ciary law and the domestic relations law relating to sex offenses, as  
4 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
5 read as follows:

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

35 § 24. Subdivision 4 of section 722.20 of the criminal procedure law,  
36 as amended by a chapter of the laws of 2023 amending the penal law, the  
37 criminal procedure law, the correction law, the social services law, the  
38 vehicle and traffic law, the family court act, the civil rights law, the  
39 civil practice law and rules, the agriculture and markets law, the judi-  
40 ciary law and the domestic relations law relating to sex offenses, as  
41 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
42 read as follows:

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

1 as defined in paragraph (a) of subdivision forty-one of section 1.20 of  
2 this chapter, a determination that such action be removed to the family  
3 court shall, in addition, be based upon a finding of one or more of the  
4 following factors: (i) mitigating circumstances that bear directly upon  
5 the manner in which the crime was committed; or (ii) where the defendant  
6 was not the sole participant in the crime, the defendant's participation  
7 was relatively minor although not so minor as to constitute a defense to  
8 the prosecution; or (iii) possible deficiencies in proof of the crime.

9 § 25. Subdivision 5 of section 722.21 of the criminal procedure law,  
10 as amended by a chapter of the laws of 2023 amending the penal law, the  
11 criminal procedure law, the correction law, the social services law, the  
12 vehicle and traffic law, the family court act, the civil rights law, the  
13 civil practice law and rules, the agriculture and markets law, the judi-  
14 ciary law and the domestic relations law relating to sex offenses, as  
15 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
16 read as follows:

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

41 § 26. Paragraph (b) of subdivision 1 of section 722.22 of the criminal  
42 procedure law, as amended by a chapter of the laws of 2023 amending the  
43 penal law, the criminal procedure law, the correction law, the social  
44 services law, the vehicle and traffic law, the family court act, the  
45 civil rights law, the civil practice law and rules, the agriculture and  
46 markets law, the judiciary law and the domestic relations law relating  
47 to sex offenses, as proposed in legislative bills numbers S. 3161 and A.  
48 3340, is amended to read as follows:

49 (b) with the consent of the district attorney, order removal of an  
50 action involving an indictment charging a juvenile offender with murder  
51 in the second degree as defined in section 125.25 of the penal law; rape  
52 in the first degree, as defined in paragraph (a) of subdivision one,  
53 paragraph (a) of subdivision two and paragraph (a) of subdivision three  
54 of section 130.35 of the penal law; rape in the first degree as formerly  
55 defined in subdivision one of section 130.35 of the penal law; a crime  
56 formerly defined in subdivision one of section 130.50 of the penal law;

1 or an armed felony as defined in paragraph (a) of subdivision forty-one  
2 of section 1.20 of this chapter, to the family court pursuant to the  
3 provisions of article seven hundred twenty-five of this title if the  
4 court finds one or more of the following factors: (i) mitigating circum-  
5 stances that bear directly upon the manner in which the crime was  
6 committed; (ii) where the defendant was not the sole participant in the  
7 crime, the defendant's participation was relatively minor although not  
8 so minor as to constitute a defense to the prosecution; or (iii) possi-  
9 ble deficiencies in the proof of the crime, and, after consideration of  
10 the factors set forth in subdivision two of this section, the court  
11 determined that removal of the action to the family court would be in  
12 the interests of justice.

13 § 27. Subparagraph (iii) of paragraph (g) of subdivision 5 of section  
14 220.10 of the criminal procedure law, as amended by a chapter of the  
15 laws of 2023 amending the penal law, the criminal procedure law, the  
16 correction law, the social services law, the vehicle and traffic law,  
17 the family court act, the civil rights law, the civil practice law and  
18 rules, the agriculture and markets law, the judiciary law and the domes-  
19 tic relations law relating to sex offenses, as proposed in legislative  
20 bills numbers S. 3161 and A. 3340, is amended to read as follows:

21 (iii) Where the indictment does not charge a crime specified in  
22 subparagraph (i) of this paragraph, the district attorney may recommend  
23 removal of the action to the family court. Upon making such recommenda-  
24 tion the district attorney shall submit a subscribed memorandum setting  
25 forth: (1) a recommendation that the interests of justice would best be  
26 served by removal of the action to the family court; and (2) if the  
27 indictment charges a thirteen year old with the crime of murder in the  
28 second degree, or a fourteen or fifteen year old with the crimes of rape  
29 in the first degree as defined in paragraph (a) of subdivision one,  
30 paragraph (a) of subdivision two and paragraph (a) of subdivision three  
31 of section 130.35 of the penal law, rape in the first degree as formerly  
32 defined in subdivision one of section 130.35 of the penal law, a crime  
33 formerly defined in subdivision one of section 130.50 of the penal law,  
34 or an armed felony as defined in paragraph (a) of subdivision forty-one  
35 of section 1.20 of this chapter specific factors, one or more of which  
36 reasonably supports the recommendation, showing, (i) mitigating circum-  
37 stances that bear directly upon the manner in which the crime was  
38 committed, or (ii) where the defendant was not the sole participant in  
39 the crime, that the defendant's participation was relatively minor  
40 although not so minor as to constitute a defense to the prosecution, or  
41 (iii) possible deficiencies in proof of the crime, or (iv) where the  
42 juvenile offender has no previous adjudications of having committed a  
43 designated felony act, as defined in subdivision eight of section 301.2  
44 of the family court act, regardless of the age of the offender at the  
45 time of commission of the act, that the criminal act was not part of a  
46 pattern of criminal behavior and, in view of the history of the offen-  
47 der, is not likely to be repeated.

48 § 28. Subdivision 6 of section 300.50 of the criminal procedure law,  
49 as amended by a chapter of the laws of 2023 amending the penal law, the  
50 criminal procedure law, the correction law, the social services law, the  
51 vehicle and traffic law, the family court act, the civil rights law, the  
52 civil practice law and rules, the agriculture and markets law, the judi-  
53 ciary law and the domestic relations law relating to sex offenses, as  
54 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
55 read as follows:

1 6. For purposes of this section, the offenses of rape in the third  
2 degree as defined in the former subdivision three or subdivisions seven,  
3 eight and nine of section 130.25 of the penal law and a crime formerly  
4 defined in subdivision three of section 130.40 of the penal law, are not  
5 lesser included offenses of rape in the first degree, a crime formerly  
6 defined in section 130.50 of the penal law, or any other offense.  
7 Notwithstanding the foregoing, any such offense may be submitted as a  
8 lesser included offense of the applicable first degree offense when (i)  
9 there is a reasonable view of the evidence which would support a finding  
10 that the defendant committed such lesser offense but did not commit the  
11 greater offense, and (ii) both parties consent to its submission.

12 § 29. Subdivision 6 of section 380.50 of the criminal procedure law,  
13 as amended by a chapter of the laws of 2023 amending the penal law, the  
14 criminal procedure law, the correction law, the social services law, the  
15 vehicle and traffic law, the family court act, the civil rights law, the  
16 civil practice law and rules, the agriculture and markets law, the judi-  
17 ciary law and the domestic relations law relating to sex offenses, as  
18 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
19 read as follows:

20 6. Regardless of whether the victim requests to make a statement with  
21 regard to the defendant's sentence, where the defendant is sentenced for  
22 a violent felony offense as defined in section 70.02 of the penal law or  
23 a felony defined in article one hundred twenty-five of such law or any  
24 of the following provisions of such law sections 130.25, 130.30, former  
25 section 130.40, former section 130.45, sections 255.25, 255.26, 255.27,  
26 article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, 230.11,  
27 230.12, 230.13, subdivision two of section 230.30 or 230.32, the prose-  
28 cutor shall, within sixty days of the imposition of sentence, provide  
29 the victim with a form, prepared and distributed by the commissioner of  
30 the division of criminal justice services, in consultation with the  
31 director of the office of victim services, on which the victim may indi-  
32 cate a demand to be informed of any petition to change the name of such  
33 defendant. Such forms shall be maintained by such prosecutor. Upon  
34 receipt of a notice of a petition to change the name of any such defend-  
35 ant, pursuant to subdivision two of section sixty-two of the civil  
36 rights law, the prosecutor shall promptly notify the victim at the most  
37 current address or telephone number provided by such victim in the most  
38 reasonable and expedient possible manner of the time and place such  
39 petition will be presented to the court.

40 § 30. Paragraph (b) of subdivision 8 of section 700.05 of the criminal  
41 procedure law, as amended by a chapter of the laws of 2023 amending the  
42 penal law, the criminal procedure law, the correction law, the social  
43 services law, the vehicle and traffic law, the family court act, the  
44 civil rights law, the civil practice law and rules, the agriculture and  
45 markets law, the judiciary law and the domestic relations law relating  
46 to sex offenses, as proposed in legislative bills numbers S. 3161 and A.  
47 3340, is amended to read as follows:

48 (b) Any of the following felonies: assault in the second degree as  
49 defined in section 120.05 of the penal law, assault in the first degree  
50 as defined in section 120.10 of the penal law, reckless endangerment in  
51 the first degree as defined in section 120.25 of the penal law, promot-  
52 ing a suicide attempt as defined in section 120.30 of the penal law,  
53 strangulation in the second degree as defined in section 121.12 of the  
54 penal law, strangulation in the first degree as defined in section  
55 121.13 of the penal law, criminally negligent homicide as defined in  
56 section 125.10 of the penal law, manslaughter in the second degree as

1 defined in section 125.15 of the penal law, manslaughter in the first  
2 degree as defined in section 125.20 of the penal law, murder in the  
3 second degree as defined in section 125.25 of the penal law, murder in  
4 the first degree as defined in section 125.27 of the penal law, rape in  
5 the third degree as defined in section 130.25 of the penal law, rape in  
6 the second degree as defined in section 130.30 of the penal law, rape in  
7 the first degree as defined in section 130.35 of the penal law, a crime  
8 formerly defined in section 130.40 of the penal law, a crime formerly  
9 defined in section 130.45 of the penal law, a crime formerly defined in  
10 section 130.50 of the penal law, sexual abuse in the first degree as  
11 defined in section 130.65 of the penal law, unlawful imprisonment in the  
12 first degree as defined in section 135.10 of the penal law, kidnapping  
13 in the second degree as defined in section 135.20 of the penal law,  
14 kidnapping in the first degree as defined in section 135.25 of the penal  
15 law, labor trafficking as defined in section 135.35 of the penal law,  
16 aggravated labor trafficking as defined in section 135.37 of the penal  
17 law, custodial interference in the first degree as defined in section  
18 135.50 of the penal law, coercion in the first degree as defined in  
19 section 135.65 of the penal law, criminal trespass in the first degree  
20 as defined in section 140.17 of the penal law, burglary in the third  
21 degree as defined in section 140.20 of the penal law, burglary in the  
22 second degree as defined in section 140.25 of the penal law, burglary in  
23 the first degree as defined in section 140.30 of the penal law, criminal  
24 mischief in the third degree as defined in section 145.05 of the penal  
25 law, criminal mischief in the second degree as defined in section 145.10  
26 of the penal law, criminal mischief in the first degree as defined in  
27 section 145.12 of the penal law, criminal tampering in the first degree  
28 as defined in section 145.20 of the penal law, arson in the fourth  
29 degree as defined in section 150.05 of the penal law, arson in the third  
30 degree as defined in section 150.10 of the penal law, arson in the  
31 second degree as defined in section 150.15 of the penal law, arson in  
32 the first degree as defined in section 150.20 of the penal law, grand  
33 larceny in the fourth degree as defined in section 155.30 of the penal  
34 law, grand larceny in the third degree as defined in section 155.35 of  
35 the penal law, grand larceny in the second degree as defined in section  
36 155.40 of the penal law, grand larceny in the first degree as defined in  
37 section 155.42 of the penal law, health care fraud in the fourth degree  
38 as defined in section 177.10 of the penal law, health care fraud in the  
39 third degree as defined in section 177.15 of the penal law, health care  
40 fraud in the second degree as defined in section 177.20 of the penal  
41 law, health care fraud in the first degree as defined in section 177.25  
42 of the penal law, robbery in the third degree as defined in section  
43 160.05 of the penal law, robbery in the second degree as defined in  
44 section 160.10 of the penal law, robbery in the first degree as defined  
45 in section 160.15 of the penal law, unlawful use of secret scientific  
46 material as defined in section 165.07 of the penal law, criminal  
47 possession of stolen property in the fourth degree as defined in section  
48 165.45 of the penal law, criminal possession of stolen property in the  
49 third degree as defined in section 165.50 of the penal law, criminal  
50 possession of stolen property in the second degree as defined by section  
51 165.52 of the penal law, criminal possession of stolen property in the  
52 first degree as defined by section 165.54 of the penal law, trademark  
53 counterfeiting in the second degree as defined in section 165.72 of the  
54 penal law, trademark counterfeiting in the first degree as defined in  
55 section 165.73 of the penal law, forgery in the second degree as defined  
56 in section 170.10 of the penal law, forgery in the first degree as

1 defined in section 170.15 of the penal law, criminal possession of a  
2 forged instrument in the second degree as defined in section 170.25 of  
3 the penal law, criminal possession of a forged instrument in the first  
4 degree as defined in section 170.30 of the penal law, criminal  
5 possession of forgery devices as defined in section 170.40 of the penal  
6 law, falsifying business records in the first degree as defined in  
7 section 175.10 of the penal law, tampering with public records in the  
8 first degree as defined in section 175.25 of the penal law, offering a  
9 false instrument for filing in the first degree as defined in section  
10 175.35 of the penal law, issuing a false certificate as defined in  
11 section 175.40 of the penal law, criminal diversion of prescription  
12 medications and prescriptions in the second degree as defined in section  
13 178.20 of the penal law, criminal diversion of prescription medications  
14 and prescriptions in the first degree as defined in section 178.25 of  
15 the penal law, residential mortgage fraud in the fourth degree as  
16 defined in section 187.10 of the penal law, residential mortgage fraud  
17 in the third degree as defined in section 187.15 of the penal law, resi-  
18 dential mortgage fraud in the second degree as defined in section 187.20  
19 of the penal law, residential mortgage fraud in the first degree as  
20 defined in section 187.25 of the penal law, escape in the second degree  
21 as defined in section 205.10 of the penal law, escape in the first  
22 degree as defined in section 205.15 of the penal law, absconding from  
23 temporary release in the first degree as defined in section 205.17 of  
24 the penal law, promoting prison contraband in the first degree as  
25 defined in section 205.25 of the penal law, hindering prosecution in the  
26 second degree as defined in section 205.60 of the penal law, hindering  
27 prosecution in the first degree as defined in section 205.65 of the  
28 penal law, sex trafficking as defined in section 230.34 of the penal  
29 law, sex trafficking of a child as defined in section 230.34-a of the  
30 penal law, criminal possession of a weapon in the third degree as  
31 defined in subdivisions two, three and five of section 265.02 of the  
32 penal law, criminal possession of a weapon in the second degree as  
33 defined in section 265.03 of the penal law, criminal possession of a  
34 weapon in the first degree as defined in section 265.04 of the penal  
35 law, manufacture, transport, disposition and defacement of weapons and  
36 dangerous instruments and appliances defined as felonies in subdivisions  
37 one, two, and three of section 265.10 of the penal law, sections 265.11,  
38 265.12 and 265.13 of the penal law, or prohibited use of weapons as  
39 defined in subdivision two of section 265.35 of the penal law, relating  
40 to firearms and other dangerous weapons, criminal manufacture, sale or  
41 transport of an undetectable firearm, rifle or shotgun as defined in  
42 section 265.50 of the penal law, or failure to disclose the origin of a  
43 recording in the first degree as defined in section 275.40 of the penal  
44 law;

45 § 31. Paragraph (a) of subdivision 2 of section 720.10 of the criminal  
46 procedure law, as amended by a chapter of the laws of 2023 amending the  
47 penal law, the criminal procedure law, the correction law, the social  
48 services law, the vehicle and traffic law, the family court act, the  
49 civil rights law, the civil practice law and rules, the agriculture and  
50 markets law, the judiciary law and the domestic relations law relating  
51 to sex offenses, as proposed in legislative bills numbers S. 3161 and A.  
52 3340, is amended to read as follows:

53 (a) the conviction to be replaced by a youthful offender finding is  
54 for (i) a class A-I or class A-II felony, or (ii) an armed felony as  
55 defined in subdivision forty-one of section 1.20, except as provided in  
56 subdivision three, or (iii) rape in the first degree, a crime formerly

1 defined in section 130.50 of the penal law, or the crime of aggravated  
2 sexual abuse, except as provided in subdivision three, or

3 § 32. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision  
4 3 of section 168-a of the correction law, as amended by a chapter of the  
5 laws of 2023 amending the penal law, the criminal procedure law, the  
6 correction law, the social services law, the vehicle and traffic law,  
7 the family court act, the civil rights law, the civil practice law and  
8 rules, the agriculture and markets law, the judiciary law and the domes-  
9 tic relations law relating to sex offenses, as proposed in legislative  
10 bills numbers S. 3161 and A. 3340, are amended to read as follows:

11 (a) (i) a conviction of or a conviction for an attempt to commit any  
12 of the provisions of sections 120.70, 130.20, 130.25, 130.30, [~~130.40,~~  
13 ~~130.45,~~] former section 130.40, former section 130.45, sections 130.60,  
14 230.34, 230.34-a, 250.50, 255.25, 255.26 and 255.27 or article two  
15 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20  
16 or 135.25 of such law relating to kidnapping offenses, provided the  
17 victim of such kidnapping or related offense is less than seventeen  
18 years old and the offender is not the parent of the victim, or section  
19 230.04, where the person patronized is in fact less than seventeen years  
20 of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of  
21 section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or  
22 section 230.25 of the penal law where the person prostituted is in fact  
23 less than seventeen years old, or

24 (a) (i) a conviction of or a conviction for an attempt to commit any  
25 of the provisions of [~~sections~~] section 130.35, former section 130.50,  
26 sections 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.95 and  
27 130.96 of the penal law, or (ii) a conviction of or a conviction for an  
28 attempt to commit any of the provisions of sections 130.53, 130.65-a and  
29 130.90 of the penal law, or (iii) a conviction of or a conviction for an  
30 attempt to commit any provisions of the foregoing sections committed or  
31 attempted as a hate crime defined in section 485.05 of the penal law or  
32 as a crime of terrorism defined in section 490.25 of such law; or

33 § 33. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii)  
34 of paragraph (b) and paragraph (e) of subdivision 8 of section 384-b of  
35 the social services law, as amended by a chapter of the laws of 2023  
36 amending the penal law, the criminal procedure law, the correction law,  
37 the social services law, the vehicle and traffic law, the family court  
38 act, the civil rights law, the civil practice law and rules, the agri-  
39 culture and markets law, the judiciary law and the domestic relations  
40 law relating to sex offenses, as proposed in legislative bills numbers  
41 S. 3161 and A. 3340, are amended to read as follows:

42 (ii) the child has been found to be an abused child, as defined in  
43 paragraph (iii) of subdivision (e) of section ten hundred twelve of the  
44 family court act, as a result of such parent's acts; provided, however,  
45 the respondent must have committed or knowingly allowed to be committed  
46 a felony sex offense as defined in sections 130.25, 130.30, 130.35,  
47 former sections 130.40, 130.45, 130.50, sections 130.65, 130.67, 130.70,  
48 130.75, 130.80, 130.95 and 130.96 of the penal law and, for the purposes  
49 of this section the corroboration requirements contained in the penal  
50 law shall not apply to proceedings under this section; or

51 (i) the child has been found to be an abused child, (A) as defined in  
52 paragraph (i) of subdivision (e) of section ten hundred twelve of the  
53 family court act, as a result of such parent's acts; or (B) as defined  
54 in paragraph (iii) of subdivision (e) of section ten hundred twelve of  
55 the family court act, as a result of such parent's acts; provided,  
56 however, the respondent must have committed or knowingly allowed to be

1 committed a felony sex offense as defined in sections 130.25, 130.30,  
2 130.35, former sections 130.40, 130.45, 130.50, sections 130.65, 130.67,  
3 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law; and

4 (ii) (A) the child or another child for whose care such parent is or  
5 has been legally responsible has been previously found, within the five  
6 years immediately preceding the initiation of the proceeding in which  
7 such abuse is found, to be an abused child, as defined in paragraph (i)  
8 or (iii) of subdivision (e) of section ten hundred twelve of the family  
9 court act, as a result of such parent's acts; provided, however, in the  
10 case of a finding of abuse as defined in paragraph (iii) of subdivision  
11 (e) of section ten hundred twelve of the family court act the respondent  
12 must have committed or knowingly allowed to be committed a felony sex  
13 offense as defined in sections 130.25, 130.30, 130.35, former sections  
14 130.40, 130.45, 130.50, sections 130.65, 130.67, 130.70, 130.75 and  
15 130.80 of the penal law, or (B) the parent has been convicted of a crime  
16 under section 130.25, 130.30, 130.35, former sections 130.40, 130.45,  
17 130.50, sections 130.65, 130.67, 130.70, 130.75 or 130.80 of the penal  
18 law against the child, a sibling of the child or another child for whose  
19 care such parent is or has been legally responsible, within the five  
20 year period immediately preceding the initiation of the proceeding in  
21 which abuse is found; and

22 (e) A determination by the court in accordance with article ten of the  
23 family court act based upon clear and convincing evidence that a child  
24 was abused (A) as defined in paragraph (i) of subdivision (e) of section  
25 ten hundred twelve of the family court act, as a result of such parent's  
26 acts; or (B) as defined in paragraph (iii) of subdivision (e) of section  
27 ten hundred twelve of the family court act, as a result of such parent's  
28 acts; provided, however, the respondent must have committed or knowingly  
29 allowed to be committed a felony sex offense as defined in sections  
30 130.25, 130.30, 130.35, former sections 130.40, 130.45, 130.50, sections  
31 130.65, 130.67, 130.70, 130.75 and 130.80 of the penal law shall estab-  
32 lish that the child was an abused child for the purpose of a determi-  
33 nation as required by subparagraph (i) or (ii) of paragraph (b) of this  
34 subdivision. Such a determination by the court in accordance with arti-  
35 cle ten of the family court act based upon a fair preponderance of  
36 evidence shall be admissible in any proceeding commenced in accordance  
37 with this section.

38 § 34. Paragraphs (a) and (b) of subdivision 4 of section 509-cc of the  
39 vehicle and traffic law, as amended by a chapter of the laws of 2023  
40 amending the penal law, the criminal procedure law, the correction law,  
41 the social services law, the vehicle and traffic law, the family court  
42 act, the civil rights law, the civil practice law and rules, the agri-  
43 culture and markets law, the judiciary law and the domestic relations  
44 law relating to sex offenses, as proposed in legislative bills numbers  
45 S. 3161 and A. 3340, are amended to read as follows:

46 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of  
47 subdivision one and paragraph (a) of subdivision two of this section  
48 that result in permanent disqualification shall include a conviction  
49 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,  
50 125.25, 125.26, 125.27, 130.30, 130.35, former sections 130.45 and  
51 130.50, sections 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90,  
52 130.95, 130.96, 135.25, 150.20, 230.30, 230.32, 230.34, 230.34-a,  
53 235.22, 263.05, 263.10, 263.11, 263.15, 263.16 of the penal law or an  
54 attempt to commit any of the aforesaid offenses under section 110.00 of  
55 the penal law, or any offenses committed under a former section of the  
56 penal law which would constitute violations of the aforesaid sections of

1 the penal law, or any offenses committed outside this state which would  
2 constitute violations of the aforesaid sections of the penal law.

3 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of  
4 subdivision one and paragraph (b) of subdivision two of this section  
5 that result in permanent disqualification shall include a conviction  
6 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 120.70, 125.10,  
7 125.11, former section 130.40, sections 130.53, 130.60, 130.65-a,  
8 135.20, 160.15, 220.18, 220.21, 220.39, 220.41, 220.43, 220.44, 230.25,  
9 260.00, 265.04 of the penal law or an attempt to commit any of the afor-  
10 esaid offenses under section 110.00 of the penal law, or any offenses  
11 committed under a former section of the penal law which would constitute  
12 violations of the aforesaid sections of the penal law, or any offenses  
13 committed outside this state which would constitute violations of the  
14 aforesaid sections of the penal law.

15 § 35. The opening paragraph of subdivision (b) of section 117 of the  
16 family court act, as amended by a chapter of the laws of 2023 amending  
17 the penal law, the criminal procedure law, the correction law, the  
18 social services law, the vehicle and traffic law, the family court act,  
19 the civil rights law, the civil practice law and rules, the agriculture  
20 and markets law, the judiciary law and the domestic relations law relat-  
21 ing to sex offenses, as proposed in legislative bills numbers S. 3161  
22 and A. 3340, is amended to read as follows:

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

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

10 § 36. Subdivision 4 of section 308.1 of the family court act, as  
11 amended by a chapter of the laws of 2023 amending the penal law, the  
12 criminal procedure law, the correction law, the social services law, the  
13 vehicle and traffic law, the family court act, the civil rights law, the  
14 civil practice law and rules, the agriculture and markets law, the judi-  
15 ciary law and the domestic relations law relating to sex offenses, as  
16 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
17 read as follows:

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

36 § 37. Subdivision (c) of section 1052 of the family court act, as  
37 amended by a chapter of the laws of 2023 amending the penal law, the  
38 criminal procedure law, the correction law, the social services law, the  
39 vehicle and traffic law, the family court act, the civil rights law, the  
40 civil practice law and rules, the agriculture and markets law, the judi-  
41 ciary law and the domestic relations law relating to sex offenses, as  
42 proposed in legislative bills numbers S. 3161 and A. 3340, is amended to  
43 read as follows:

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

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

5 § 38. Subdivision 2 of section 64 of the civil rights law, as amended  
6 by a chapter of the laws of 2023 amending the penal law, the criminal  
7 procedure law, the correction law, the social services law, the vehicle  
8 and traffic law, the family court act, the civil rights law, the civil  
9 practice law and rules, the agriculture and markets law, the judiciary  
10 law and the domestic relations law relating to sex offenses, as proposed  
11 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
12 follows:

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

35 § 39. Section 213-c of the civil practice law and rules, as amended by  
36 a chapter of the laws of 2023 amending the penal law, the criminal  
37 procedure law, the correction law, the social services law, the vehicle  
38 and traffic law, the family court act, the civil rights law, the civil  
39 practice law and rules, the agriculture and markets law, the judiciary  
40 law and the domestic relations law relating to sex offenses, as proposed  
41 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
42 follows:

43 § 213-c. Action by victim of conduct constituting certain sexual  
44 offenses. Notwithstanding any other limitation set forth in this arti-  
45 cle, except as provided in subdivision (b) of section two hundred eight  
46 of this article, all civil claims or causes of action brought by any  
47 person for physical, psychological or other injury or condition suffered  
48 by such person as a result of conduct which would constitute rape in the  
49 first degree as defined in section 130.35 of the penal law, or rape in  
50 the second degree as defined in subdivision [~~two~~] four, five or six of  
51 section 130.30 of the penal law, or rape in the second degree as defined  
52 in former subdivision two of section 130.30 of the penal law, or rape in  
53 the third degree as defined in subdivision one [~~one~~], two, three, seven,  
54 eight or nine of section 130.25 of the penal law, or a crime formerly  
55 defined in section 130.50 of the penal law, or a crime formerly defined  
56 in subdivision two of section 130.45 of the penal law, or a crime

1 formerly defined in subdivision one or three of section 130.40 of the  
2 penal law, or incest in the first degree as defined in section 255.27 of  
3 the penal law, or incest in the second degree as defined in section  
4 255.26 of the penal law (where the crime committed is rape in the second  
5 degree as defined in subdivision [~~two~~] four, five or six of section  
6 130.30 of the penal law, or rape in the second degree as formerly  
7 defined in subdivision two of section 130.30 of the penal law, or a  
8 crime formerly defined in subdivision two of section 130.45 of the penal  
9 law), or aggravated sexual abuse in the first degree as defined in  
10 section 130.70 of the penal law, or course of sexual conduct against a  
11 child in the first degree as defined in section 130.75 of the penal law  
12 may be brought against any party whose intentional or negligent acts or  
13 omissions are alleged to have resulted in the commission of the said  
14 conduct, within twenty years. Nothing in this section shall be construed  
15 to require that a criminal charge be brought or a criminal conviction be  
16 obtained as a condition of bringing a civil cause of action or receiving  
17 a civil judgment pursuant to this section or be construed to require  
18 that any of the rules governing a criminal proceeding be applicable to  
19 any such civil action.

20 § 40. Paragraph (b) of subdivision 8 of section 215 of the civil prac-  
21 tice law and rules, as amended by a chapter of the laws of 2023 amending  
22 the penal law, the criminal procedure law, the correction law, the  
23 social services law, the vehicle and traffic law, the family court act,  
24 the civil rights law, the civil practice law and rules, the agriculture  
25 and markets law, the judiciary law and the domestic relations law relat-  
26 ing to sex offenses, as proposed in legislative bills numbers S. 3161  
27 and A. 3340, is amended to read as follows:

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

41 § 41. Subdivision 11 of section 123 of the agriculture and markets  
42 law, as amended by a chapter of the laws of 2023 amending the penal law,  
43 the criminal procedure law, the correction law, the social services law,  
44 the vehicle and traffic law, the family court act, the civil rights law,  
45 the civil practice law and rules, the agriculture and markets law, the  
46 judiciary law and the domestic relations law relating to sex offenses,  
47 as proposed in legislative bills numbers S. 3161 and A. 3340, is amended  
48 to read as follows:

49 11. The owner shall not be liable pursuant to subdivision six, seven,  
50 eight, nine or ten of this section if the dog was coming to the aid or  
51 defense of a person during the commission or attempted commission of a  
52 murder, robbery, burglary, arson, rape in the first degree as defined in  
53 paragraph (a) or (b) of subdivision one, paragraph (a) or (b) of subdivi-  
54 sion two or paragraph (a) or (b) of subdivision three of section  
55 130.35 of the penal law, rape in the first degree as defined in the  
56 former subdivision one of section 130.35 of the penal law, a crime

1 formerly defined in subdivision one or two of section 130.50 of the  
2 penal law or kidnapping within the dwelling or upon the real property of  
3 the owner of the dog and the dog injured or killed the person committing  
4 such criminal activity.

5 § 42. Section 4 of the judiciary law, as amended by a chapter of the  
6 laws of 2023 amending the penal law, the criminal procedure law, the  
7 correction law, the social services law, the vehicle and traffic law,  
8 the family court act, the civil rights law, the civil practice law and  
9 rules, the agriculture and markets law, the judiciary law and the domes-  
10 tic relations law relating to sex offenses, as proposed in legislative  
11 bills numbers S. 3161 and A. 3340, is amended to read as follows:

12 § 4. Sittings of courts to be public. The sittings of every court  
13 within this state shall be public, and every citizen may freely attend  
14 the same, except that in all proceedings and trials in cases for  
15 divorce, seduction, rape, assault with intent to commit rape, bastardy  
16 [~~ex~~], filiation, or a crime formerly defined in sections 130.50, 130.45,  
17 and 130.40 of the penal law, the court may, in its discretion, exclude  
18 therefrom all persons who are not directly interested therein, excepting  
19 jurors, witnesses, and officers of the court.

20 § 43. Subdivision 2 of section 120.60 of the penal law, as amended by  
21 a chapter of the laws of 2023 amending the penal law, the criminal  
22 procedure law, the correction law, the social services law, the vehicle  
23 and traffic law, the family court act, the civil rights law, the civil  
24 practice law and rules, the agriculture and markets law, the judiciary  
25 law and the domestic relations law relating to sex offenses, as proposed  
26 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
27 follows:

28 2. commits a class A misdemeanor defined in article one hundred thirty  
29 of this chapter, or a class E felony defined in section 130.25, former  
30 section 130.40 or section 130.85 of this chapter, or a class D felony  
31 defined in former section 130.45 or section 130.30 of this chapter.

32 § 44. Subdivision 1 of section 235.00 of the penal law, as amended by  
33 a chapter of the laws of 2023 amending the penal law, the criminal  
34 procedure law, the correction law, the social services law, the vehicle  
35 and traffic law, the family court act, the civil rights law, the civil  
36 practice law and rules, the agriculture and markets law, the judiciary  
37 law and the domestic relations law relating to sex offenses, as proposed  
38 in legislative bills numbers S. 3161 and A. 3340, is amended to read as  
39 follows:

40 1. "Obscene." Any material or performance is "obscene" if (a) the  
41 average person, applying contemporary community standards, would find  
42 that considered as a whole, its predominant appeal is to the prurient  
43 interest in sex, and (b) it depicts or describes in a patently offensive  
44 manner, actual or simulated: vaginal sexual contact, a crime under the  
45 former sections 130.50, 130.45, and 130.40 of the penal law, oral sexual  
46 contact, anal sexual contact, sexual bestiality, masturbation, sadism,  
47 masochism, excretion or lewd exhibition of the genitals, and (c) consid-  
48 ered as a whole, it lacks serious literary, artistic, political, and  
49 scientific value. Predominant appeal shall be judged with reference to  
50 ordinary adults unless it appears from the character of the material or  
51 the circumstances of its dissemination to be designed for children or  
52 other especially susceptible audience.

53 § 45. Sections 65 and 66 of a chapter of the laws of 2023, amending  
54 the penal law, the criminal procedure law, the correction law, the  
55 social services law, the vehicle and traffic law, the family court act,  
56 the civil rights law, the civil practice law and rules, the agriculture

1 and markets law, the judiciary law and the domestic relations law relat-  
2 ing to sex offenses, as proposed in legislative bills numbers S. 3161  
3 and A. 3340, are amended to read as follows:

4 § 65. As it pertains to the repealed sections of law, [~~nothing~~] such  
5 repeal shall not be construed to apply retroactively. Offenses committed  
6 prior to the effective date of this act may be construed and punished  
7 according to the provisions of law existing at the time of the commis-  
8 sion thereof. Nothing in this act shall affect a requirement to regis-  
9 ter pursuant to article 6-C of the correction law; a lawfully required  
10 disclosure of a conviction; any restriction or prohibition for certain  
11 types of employment, housing, or government benefit; or any other ongo-  
12 ing matter related to a conviction of the sections repealed in this act.

13 § 66. This act shall take effect [~~January~~] September 1, 2024 and shall  
14 apply to any offense committed on or after such effective date.

15 § 46. This act shall take effect immediately; provided, however, that  
16 sections one through forty-four of this act shall take effect on the  
17 same date and in the same manner as a chapter of the laws of 2023,  
18 amending the penal law, the criminal procedure law, the correction law,  
19 the social services law, the vehicle and traffic law, the family court  
20 act, the civil rights law, the civil practice law and rules, the agri-  
21 culture and markets law, the judiciary law and the domestic relations  
22 law relating to sex offenses, as proposed in legislative bills numbers  
23 S. 3161 and A. 3340, takes effect.