

# STATE OF NEW YORK

490

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the penal law, in relation to including instances of sexual conduct against a child less than seventeen years of age to certain sex offenses

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

1 Section 1. Subdivisions 1 and 2 of section 130.75 of the penal law, as  
2 amended by chapter 1 of the laws of 2000, paragraphs (a) and (b) of  
3 subdivision 1 as amended by chapter 777 of the laws of 2023, are amended  
4 to read as follows:

5 [~~1.~~] A person is guilty of course of sexual conduct against a child in  
6 the first degree when, over a period of time not less than three months  
7 in duration:

8 [~~(a) he or she~~] 1. such person engages in two or more acts of sexual  
9 conduct, which includes at least one act of vaginal sexual contact, oral  
10 sexual contact, anal sexual contact or aggravated sexual contact, with a  
11 child less than eleven years old; and includes at least one additional  
12 act of sexual contact with the child when that child is less than seven-  
13 teen years old; or

14 [~~(b) he or she~~] 2. such person, being eighteen years old or more, at  
15 the commencement of the course of sexual contact, engages in two or more  
16 acts of sexual conduct, which include at least one act of vaginal sexual  
17 contact, oral sexual contact, anal sexual contact or aggravated sexual  
18 contact, with a child less than thirteen years old; and includes at  
19 least one additional act of sexual contact with the child when that  
20 child is less than seventeen years old.

21 [~~2. A person may not be subsequently prosecuted for any other sexual~~  
22 ~~offense involving the same victim unless the other charged offense~~  
23 ~~occurred outside the time period charged under this section.~~]

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

LBD01846-01-5

1 § 2. Subdivisions 1 and 2 of section 130.80 of the penal law, as  
2 amended by chapter 1 of the laws of 2000, are amended to read as  
3 follows:

4 [~~1.~~] A person is guilty of course of sexual conduct against a child in  
5 the second degree when, over a period of time not less than three months  
6 in duration:

7 [~~(a) he or she~~] 1. such person engages in two or more acts of sexual  
8 conduct with a child, which includes at least one act of sexual conduct  
9 with the child when the child is less than eleven years old; and  
10 includes at least one additional act of sexual conduct with such child  
11 when the child is less than seventeen years old; or

12 [~~(b) he or she~~] 2. such person, being eighteen years old or more, at  
13 the commencement of the course of sexual conduct, engages in two or more  
14 acts of sexual conduct with a child, which includes at least one act of  
15 sexual conduct with the child when the child is less than thirteen years  
16 old; and includes at least one additional act of sexual conduct with  
17 such child when the child is less than seventeen years old.

18 [~~2. A person may not be subsequently prosecuted for any other sexual~~  
19 ~~offense involving the same victim unless the other charged offense~~  
20 ~~occurred outside the time period charged under this section.~~]

21 § 3. Section 130.96 of the penal law, as added by chapter 107 of the  
22 laws of 2006, the opening paragraph as amended by chapter 23 of the laws  
23 of 2024, is amended to read as follows:

24 § 130.96 Predatory sexual assault against a child.

25 A person is guilty of predatory sexual assault against a child when,  
26 being eighteen years old or more, [~~he or she~~] such person commits:

27 1. the crime of rape in the first degree, a crime formerly defined in  
28 section 130.50 of this title, or the crime of aggravated sexual abuse in  
29 the first degree, [~~or course of sexual conduct against a child in the~~  
30 first degree,] as defined in this article, and the victim is less than  
31 thirteen years old[~~;~~]; or

32 2. the crime of a course of sexual conduct against a child in the  
33 first degree, as defined in this article, and the person was eighteen  
34 years old or more and the victim was less than thirteen years old when  
35 the conduct commenced.

36 Predatory sexual assault against a child is a class A-II felony.

37 § 4. This act shall take effect immediately.