

# STATE OF NEW YORK

6147

2025-2026 Regular Sessions

## IN SENATE

March 5, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the criminal procedure law and the family court act, in relation to including rape in the third degree, rape in the second degree and rape in the first degree as family offenses

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

1 Section 1. Subdivision 1 of section 530.11 of the criminal procedure  
2 law, as amended by chapter 541 of the laws of 2024, is amended to read  
3 as follows:

4 1. Jurisdiction. The family court and the criminal courts shall have  
5 concurrent jurisdiction over any proceeding concerning acts which would  
6 constitute disorderly conduct, unlawful dissemination or publication of  
7 an intimate image, harassment in the first degree, harassment in the  
8 second degree, aggravated harassment in the second degree, sexual  
9 misconduct, forcible touching, sexual abuse in the third degree, sexual  
10 abuse in the second degree as set forth in subdivision one of section  
11 130.60 of the penal law, stalking in the first degree, stalking in the  
12 second degree, stalking in the third degree, stalking in the fourth  
13 degree, criminal mischief, menacing in the second degree, menacing in  
14 the third degree, reckless endangerment, strangulation in the first  
15 degree, strangulation in the second degree, criminal obstruction of  
16 breathing or blood circulation, assault in the second degree, assault in  
17 the third degree, an attempted assault, identity theft in the first  
18 degree, identity theft in the second degree, identity theft in the third  
19 degree, grand larceny in the fourth degree, grand larceny in the third  
20 degree, coercion in the second degree or coercion in the third degree as  
21 set forth in subdivisions one, two and three of section 135.60 of the  
22 penal law, rape in the third degree as set forth in section 130.25 of  
23 the penal law, rape in the second degree as set forth in section 130.30  
24 of the penal law, rape in the first degree as set forth in section

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

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1 130.35 of the penal law between spouses or former spouses, or between  
2 parent and child or between members of the same family or household  
3 except that if the respondent would not be criminally responsible by  
4 reason of age pursuant to section 30.00 of the penal law, then the fami-  
5 ly court shall have exclusive jurisdiction over such proceeding.  
6 Notwithstanding a complainant's election to proceed in family court, the  
7 criminal court shall not be divested of jurisdiction to hear a family  
8 offense proceeding pursuant to this section. For purposes of this  
9 section, "disorderly conduct" includes disorderly conduct not in a  
10 public place. For purposes of this section, "members of the same family  
11 or household" with respect to a proceeding in the criminal courts shall  
12 mean the following:

- 13 (a) persons related by consanguinity or affinity;
- 14 (b) persons legally married to one another;
- 15 (c) persons formerly married to one another regardless of whether they  
16 still reside in the same household;
- 17 (d) persons who have a child in common, regardless of whether such  
18 persons have been married or have lived together at any time;
- 19 (e) persons who are not related by consanguinity or affinity and who  
20 are or have been in an intimate relationship regardless of whether such  
21 persons have lived together at any time. Factors the court may consider  
22 in determining whether a relationship is an "intimate relationship"  
23 include but are not limited to: the nature or type of relationship,  
24 regardless of whether the relationship is sexual in nature; the frequen-  
25 cy of interaction between the persons; and the duration of the relation-  
26 ship. Neither a casual acquaintance nor ordinary fraternization between  
27 two individuals in business or social contexts shall be deemed to  
28 constitute an "intimate relationship"; and
- 29 (f) persons who are related by consanguinity or affinity to parties  
30 who are or have been in an intimate relationship as defined in paragraph  
31 (e) of this subdivision.

32 § 2. Subdivision 1 of section 812 of the family court act, as amended  
33 by chapter 541 of the laws of 2024, is amended to read as follows:

34 1. Jurisdiction. The family court and the criminal courts shall have  
35 concurrent jurisdiction over any proceeding concerning acts which would  
36 constitute disorderly conduct, unlawful dissemination or publication of  
37 an intimate image, harassment in the first degree, harassment in the  
38 second degree, aggravated harassment in the second degree, sexual  
39 misconduct, forcible touching, sexual abuse in the third degree, sexual  
40 abuse in the second degree as set forth in subdivision one of section  
41 130.60 of the penal law, stalking in the first degree, stalking in the  
42 second degree, stalking in the third degree, stalking in the fourth  
43 degree, criminal mischief, menacing in the second degree, menacing in  
44 the third degree, reckless endangerment, criminal obstruction of breath-  
45 ing or blood circulation, strangulation in the second degree, strangula-  
46 tion in the first degree, assault in the second degree, assault in the  
47 third degree, an attempted assault, identity theft in the first degree,  
48 identity theft in the second degree, identity theft in the third degree,  
49 grand larceny in the fourth degree, grand larceny in the third degree,  
50 coercion in the second degree or coercion in the third degree as set  
51 forth in subdivisions one, two and three of section 135.60 of the penal  
52 law, rape in the third degree as set forth in section 130.25 of the  
53 penal law, rape in the second degree as set forth in section 130.30 of  
54 the penal law, rape in the first degree as set forth in section 130.35  
55 of the penal law between spouses or former spouses, or between parent  
56 and child or between members of the same family or household except that

1 if the respondent would not be criminally responsible by reason of age  
2 pursuant to section 30.00 of the penal law, then the family court shall  
3 have exclusive jurisdiction over such proceeding. Notwithstanding a  
4 complainant's election to proceed in family court, the criminal court  
5 shall not be divested of jurisdiction to hear a family offense proceed-  
6 ing pursuant to this section. In any proceeding pursuant to this arti-  
7 cle, a court shall not deny an order of protection, or dismiss a peti-  
8 tion, solely on the basis that the acts or events alleged are not  
9 relatively contemporaneous with the date of the petition, the conclusion  
10 of the fact-finding or the conclusion of the dispositional hearing. For  
11 purposes of this article, "disorderly conduct" includes disorderly  
12 conduct not in a public place. For purposes of this article, "members of  
13 the same family or household" shall mean the following:

- 14 (a) persons related by consanguinity or affinity;
- 15 (b) persons legally married to one another;
- 16 (c) persons formerly married to one another regardless of whether they  
17 still reside in the same household;
- 18 (d) persons who have a child in common regardless of whether such  
19 persons have been married or have lived together at any time;
- 20 (e) persons who are not related by consanguinity or affinity and who  
21 are or have been in an intimate relationship regardless of whether such  
22 persons have lived together at any time. Factors the court may consider  
23 in determining whether a relationship is an "intimate relationship"  
24 include but are not limited to: the nature or type of relationship,  
25 regardless of whether the relationship is sexual in nature; the frequen-  
26 cy of interaction between the persons; and the duration of the relation-  
27 ship. Neither a casual acquaintance nor ordinary fraternization between  
28 two individuals in business or social contexts shall be deemed to  
29 constitute an "intimate relationship"; and
- 30 (f) persons who are related by consanguinity or affinity to parties  
31 who are or have been in an intimate relationship as defined in paragraph  
32 (e) of this subdivision.

33 § 3. This act shall take effect immediately.