

STATE OF NEW YORK

5637

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

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

AN ACT to amend the criminal procedure law, the penal law and the family court act, in relation to providing juvenile offender status to persons thirteen, fourteen or fifteen years of age who have committed certain sex offenses

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

1 Section 1. Subdivision 42 of section 1.20 of the criminal procedure
2 law, as amended by chapter 23 of the laws of 2024, is amended to read as
3 follows:

4 42. "Juvenile offender" means (1) a person, thirteen years old who is
5 criminally responsible for acts constituting murder in the second degree
6 as defined in subdivisions one and two of section 125.25 of the penal
7 law~~[-]~~; subdivisions one and two of section 130.35 (rape in the first
8 degree); section 130.70 (aggravated sexual abuse in the first degree) of
9 the penal law; or such conduct as a sexually motivated felony, where
10 authorized pursuant to section 130.91 of the penal law; and (2) a person
11 fourteen or fifteen years old who is criminally responsible for acts
12 constituting the crimes defined in subdivisions one and two of section
13 125.25 (murder in the second degree) and in subdivision three of such
14 section provided that the underlying crime for the murder charge is one
15 for which such person is criminally responsible; section 135.25 (kidnap-
16 ping in the first degree); 150.20 (arson in the first degree); subdivi-
17 sions one and two of section 120.10 (assault in the first degree);
18 125.20 (manslaughter in the first degree); paragraphs (a) and (b) of
19 subdivision one, paragraphs (a) and (b) of subdivision two and para-
20 graphs (a) and (b) of subdivision three of section 130.35 (rape in the
21 first degree); former subdivisions one and two of section 130.35 (rape
22 in the first degree); subdivisions one and two of former section 130.50;
23 section 130.66 (aggravated sexual abuse in the third degree); section

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

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1 130.67 (aggravated sexual abuse in the second degree); 130.70 (aggra-
2 vated sexual abuse in the first degree); 140.30 (burglary in the first
3 degree); subdivision one of section 140.25 (burglary in the second
4 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
5 first degree); subdivision two of section 160.10 (robbery in the second
6 degree) of the penal law; or section 265.03 of the penal law, where such
7 machine gun or such firearm is possessed on school grounds, as that
8 phrase is defined in subdivision fourteen of section 220.00 of the penal
9 law; or defined in the penal law as an attempt to commit murder in the
10 second degree or kidnapping in the first degree, or such conduct as a
11 sexually motivated felony, where authorized pursuant to section 130.91
12 of the penal law.

13 § 2. Subdivision (a) of section 190.71 of the criminal procedure law,
14 as amended by chapter 23 of the laws of 2024, is amended to read as
15 follows:

16 (a) Except as provided in subdivision six of section 200.20 of this
17 chapter, a grand jury may not indict (i) a person thirteen years of age
18 for any conduct or crime other than conduct constituting a crime defined
19 in subdivisions one and two of section 125.25 (murder in the second
20 degree); subdivisions one and two of section 130.35 (rape in the first
21 degree); section 130.70 (aggravated sexual abuse in the first degree);
22 or such conduct as a sexually motivated felony, where authorized pursu-
23 ant to section 130.91 of the penal law; (ii) a person fourteen or
24 fifteen years of age for any conduct or crime other than conduct consti-
25 tuting a crime defined in subdivisions one and two of section 125.25
26 (murder in the second degree) and in subdivision three of such section
27 provided that the underlying crime for the murder charge is one for
28 which such person is criminally responsible; 135.25 (kidnapping in the
29 first degree); 150.20 (arson in the first degree); subdivisions one and
30 two of section 120.10 (assault in the first degree); 125.20 (manslaught-
31 er in the first degree); paragraphs (a) and (b) of subdivision one,
32 paragraphs (a) and (b) of subdivision two and paragraphs (a) and (b) of
33 subdivision three of section 130.35 (rape in the first degree); former
34 subdivisions one and two of section 130.35 (rape in the first degree);
35 subdivisions one and two of former section 130.50; section 130.66
36 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
37 vated sexual abuse in the second degree); 130.70 (aggravated sexual
38 abuse in the first degree); 140.30 (burglary in the first degree);
39 subdivision one of section 140.25 (burglary in the second degree);
40 150.15 (arson in the second degree); 160.15 (robbery in the first
41 degree); subdivision two of section 160.10 (robbery in the second
42 degree) of the penal law; or section 265.03 of the penal law, where such
43 machine gun or such firearm is possessed on school grounds, as that
44 phrase is defined in subdivision fourteen of section 220.00 of the penal
45 law; or defined in the penal law as an attempt to commit murder in the
46 second degree or kidnapping in the first degree, or such conduct as a
47 sexually motivated felony, where authorized pursuant to section 130.91
48 of the penal law.

49 § 3. Subdivision 18 of section 10.00 of the penal law, as amended by
50 chapter 7 of the laws of 2007 and paragraph 2 as amended by chapter 23
51 of the laws of 2024, is amended to read as follows:

52 18. "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 this
55 chapter; subdivisions one and two of section 130.35 (rape in the first
56 degree); section 130.70 (aggravated sexual abuse in the first degree) of

1 this chapter; or such conduct as a sexually motivated felony, where
2 authorized pursuant to section 130.91 of [~~the penal law~~] this chapter;
3 and

4 (2) a person fourteen or fifteen years old who is criminally responsi-
5 ble for acts constituting the crimes defined in subdivisions one and two
6 of section 125.25 (murder in the second degree) and in subdivision three
7 of such section provided that the underlying crime for the murder charge
8 is one for which such person is criminally responsible; section 135.25
9 (kidnapping in the first degree); 150.20 (arson in the first degree);
10 subdivisions one and two of section 120.10 (assault in the first
11 degree); 125.20 (manslaughter in the first degree); paragraphs (a) and
12 (b) of subdivision one, paragraphs (a) and (b) of subdivision two, and
13 paragraphs (a) and (b) of subdivision three of section 130.35 (rape in
14 the first degree); former subdivisions one and two of section 130.35
15 (rape in the first degree); subdivisions one and two of the former
16 section 130.50; section 130.66 (aggravated sexual abuse in the third
17 degree); section 130.67 (aggravated sexual abuse in the second degree);
18 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary
19 in the first degree); subdivision one of section 140.25 (burglary in the
20 second degree); 150.15 (arson in the second degree); 160.15 (robbery in
21 the first degree); subdivision two of section 160.10 (robbery in the
22 second degree) of this chapter; or section 265.03 of this chapter, where
23 such machine gun or such firearm is possessed on school grounds, as that
24 phrase is defined in subdivision fourteen of section 220.00 of this
25 chapter; or defined in this chapter as an attempt to commit murder in
26 the second degree or kidnapping in the first degree, or such conduct as
27 a sexually motivated felony, where authorized pursuant to section 130.91
28 of this chapter.

29 § 4. Subdivision 2 of section 30.00 of the penal law, as amended by
30 chapter 23 of the laws of 2024, is amended to read as follows:

31 2. A person thirteen, fourteen or, fifteen years of age is criminally
32 responsible for acts constituting murder in the second degree as defined
33 in subdivisions one and two of section 125.25 and in subdivision three
34 of such section provided that the underlying crime for the murder charge
35 is one for which such person is criminally responsible or for such
36 conduct as a sexually motivated felony, where authorized pursuant to
37 section 130.91 of this chapter; a person thirteen years of age is crimi-
38 nally responsible for acts constituting the crimes defined in subdivi-
39 sions one and two of section 130.35 (rape in the first degree); and
40 section 130.70 (aggravated sexual abuse in the first degree) of this
41 chapter; and a person fourteen or, fifteen years of age is criminally
42 responsible for acts constituting the crimes defined in section 135.25
43 (kidnapping in the first degree); 150.20 (arson in the first degree);
44 subdivisions one and two of section 120.10 (assault in the first
45 degree); 125.20 (manslaughter in the first degree); paragraphs (a) and
46 (b) of subdivision one, paragraphs (a) and (b) of subdivision two and
47 paragraphs (a) and (b) of subdivision three of section 130.35 (rape in
48 the first degree); former subdivisions one and two of section 130.35
49 (rape in the first degree); subdivisions one and two of former section
50 130.50; section 130.66 (aggravated sexual abuse in the third degree);
51 section 130.67 (aggravated sexual abuse in the second degree); 130.70
52 (aggravated sexual abuse in the first degree); 140.30 (burglary in the
53 first degree); subdivision one of section 140.25 (burglary in the second
54 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
55 first degree); subdivision two of section 160.10 (robbery in the second
56 degree) of this chapter; or section 265.03 of this chapter, where such

1 machine gun or such firearm is possessed on school grounds, as that
2 phrase is defined in subdivision fourteen of section 220.00 of this
3 chapter; or defined in this chapter as an attempt to commit murder in
4 the second degree or kidnapping in the first degree, or for such conduct
5 as a sexually motivated felony, where authorized pursuant to section
6 130.91 of this chapter.

7 § 5. Subdivision 8 of section 301.2 of the family court act, as
8 amended by chapter 38 of the laws of 2022, is amended to read as
9 follows:

10 8. "Designated felony act" means an act which, if done by an adult,
11 would be a crime: (i) defined in sections 125.27 (murder in the first
12 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
13 first degree); or 150.20 (arson in the first degree) of the penal law
14 committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen
15 years of age; or such conduct committed as a sexually motivated felony,
16 where authorized pursuant to section 130.91 of the penal law; (ii)
17 defined in sections 120.10 (assault in the first degree); 125.20
18 (manslaughter in the first degree); 130.35 (rape in the first degree);
19 130.50 (criminal sexual act in the first degree); 130.66 (aggravated
20 sexual abuse in the third degree); 130.67 (aggressive sexual abuse in
21 the second degree); 130.70 (aggravated sexual abuse in the first
22 degree); 135.20 (kidnapping in the second degree) but only where the
23 abduction involved the use or threat of use of deadly physical force;
24 150.15 (arson in the second degree) or 160.15 (robbery in the first
25 degree) of the penal law committed by a person thirteen, fourteen,
26 fifteen, sixteen, or seventeen years of age; or such conduct committed
27 as a sexually motivated felony, where authorized pursuant to section
28 130.91 of the penal law; (iii) defined in the penal law as an attempt to
29 commit murder in the first or second degree or kidnapping in the first
30 degree committed by a person thirteen, fourteen, fifteen, sixteen, or
31 seventeen years of age; or such conduct committed as a sexually moti-
32 vated felony, where authorized pursuant to section 130.91 of the penal
33 law; (iv) defined in section 140.30 (burglary in the first degree);
34 subdivision one of section 140.25 (burglary in the second degree);
35 subdivision two of section 160.10 (robbery in the second degree) of the
36 penal law; or section 265.03 of the penal law, where such machine gun or
37 such firearm is possessed on school grounds, as that phrase is defined
38 in subdivision fourteen of section 220.00 of the penal law committed by
39 a person fourteen, fifteen, sixteen, or seventeen years of age; or such
40 conduct committed as a sexually motivated felony, where authorized
41 pursuant to section 130.91 of the penal law; (v) defined in section
42 120.05 (assault in the second degree) or 160.10 (robbery in the second
43 degree) of the penal law committed by a person fourteen, fifteen,
44 sixteen or seventeen years of age but only where there has been a prior
45 finding by a court that such person has previously committed an act
46 which, if committed by an adult, would be the crime of assault in the
47 second degree, robbery in the second degree or any designated felony act
48 specified in paragraph (i), (ii), or (iii) of this subdivision regard-
49 less of the age of such person at the time of the commission of the
50 prior act; (vi) other than a misdemeanor committed by a person at least
51 twelve but less than eighteen years of age, but only where there have
52 been two prior findings by the court that such person has committed a
53 prior act which, if committed by an adult, would be a felony.

54 § 6. This act shall take effect on the first of November next succeed-
55 ing the date on which it shall have become a law.