STATE OF NEW YORK

6230

2025-2026 Regular Sessions

IN ASSEMBLY

February 27, 2025

Introduced by M. of A. BUTTENSCHON, FALL, HEVESI, STERN, K. BROWN, SLATER, HAWLEY, ANGELINO, JONES -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the correction law, in relation to sex offenses committed against children under 12 years of age and sex offenses committed by persons 21 years old or older against children under 14 years of age

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of section 70.00 of the penal law, as amended by chapter 107 of the laws of 2006, is amended to read as follows:

(i) For a class A-I felony, such minimum period shall not be less than fifteen years nor more than twenty-five years; provided, however, that (A) where a sentence, other than a sentence of death or life imprisonment without parole, is imposed upon a defendant convicted of murder in the first degree as defined in section 125.27 of this chapter such minimum period shall be not less than twenty years nor more than twenty-five years, and, (B) where a sentence is imposed upon a defendant convicted of murder in the second degree as defined in subdivision five of section 125.25 of this chapter or convicted of aggravated murder as defined in section 125.26 of this chapter, the sentence shall be life imprisonment without parole, and, (C) where a sentence is imposed upon a defendant convicted of attempted murder in the first degree as defined in article one hundred ten of this chapter and subparagraph (i), (ii) or (iii) of paragraph (a) of subdivision one and paragraph (b) of subdivision one of section 125.27 of this chapter or attempted aggravated murder as defined in article one hundred ten of this chapter and section 125.26 of this chapter such minimum period shall be not less than twenty years nor more than forty years**, and, (D) where a sentence is imposed upon a defendant convicted of endangering the welfare of a child as defined in section**

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

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260.10, rape of a child as defined in section 130.36, criminal sexual act against a child as defined in section 130.51, aggravated sexual abuse of a child as defined in section 130.71 or aggravated course of sexual conduct against a child as defined in section 130.81 of this chapter such minimum period shall be twenty years.

§ 2. Subdivision 5 of section 125.25 of the penal law, as amended by chapter 23 of the laws of 2024, is amended to read as follows:

5. Being eighteen years old or more, while in the course of committing rape in the first, second or third degree, a crime formerly defined in section 130.50, 130.45 or 130.40 of this title, the crime of sexual abuse in the first degree, rape of a child, criminal sexual act against a child, aggravated sexual abuse of a child, aggravated course of sexual conduct against a child, aggravated sexual abuse in the first, second, third or fourth degree, or incest in the first, second or third degree, against a person less than fourteen years old, [~~he or she~~] the actor intentionally causes the death of such person.

§ 3. Section 130.35 of the penal law, as amended by chapter 777 of the laws of 2023, is amended to read as follows:

§ 130.35 Rape in the first degree.

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

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

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

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

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

2. [~~he or she~~] such person engages in oral sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

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

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

3. [~~he or she~~] such person engages in anal sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

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

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

Rape in the first degree is a class B felony.

§ 4. The penal law is amended by adding a new section 130.36 to read as follows:

§ 130.36 Rape of a child.

A person is guilty of rape of a child when:

1. such person engages in sexual intercourse with another person who is less than twelve years old; or

2. being twenty-one years old or more, such person engages in sexual intercourse with another person less than fourteen years old.

Rape of a child is a class A-I felony.

§ 5. The penal law is amended by adding a new section 130.51 to read as follows:

§ 130.51 Criminal sexual act against a child.

A person is guilty of criminal sexual act against a child when:

1. such person engages in oral sexual conduct or anal sexual conduct with another person who is less than twelve years old; or

2. being twenty-one years old or more, such person engages in oral sexual conduct or anal sexual conduct with another person who is less than fourteen years old.

Criminal sexual act against a child is a class A-I felony.

§ 6. Subdivision 1 of section 130.70 of the penal law, as amended by chapter 450 of the laws of 1988, the opening paragraph as amended by chapter 485 of the laws of 2009, is amended to read as follows:

1. A person is guilty of aggravated sexual abuse in the first degree when [~~he or she~~] **such person** inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless[~~; or~~

~~(c) When the other person is less than eleven years old~~].

§ 7. The penal law is amended by adding a new section 130.71 to read as follows:

§ 130.71 Aggravated sexual abuse of a child.

1. A person is guilty of aggravated sexual abuse of a child when:

(a) such person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person when such other person is less than twelve years old; or

(b) being twenty-one years old or more, such person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person when such other person is less than fourteen years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse of a child is a class A-I felony.

§ 8. Paragraphs (a) and (b) of subdivision 1 of section 130.75 of the penal law, as amended by chapter 777 of the laws of 2023, are amended to read as follows:

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

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

§ 9. The penal law is amended by adding a new section 130.81 to read as follows:

§ 130.81 Aggravated course of sexual conduct against a child.

1. A person is guilty of aggravated course of sexual conduct against a child when, over a period of time not less than three months in duration:

(a) such person engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than twelve years old; or

(b) such person, being twenty-one years old or more, engages in two or more acts of sexual conduct, which includes at least one act of sexual

intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than fourteen years old.

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

Aggravated course of sexual conduct against a child is a class A-I felony.

§ 10. Subparagraph (i) of paragraph (a) of subdivision 3 of section 168-a of the correction law, as amended by chapter 23 of the laws of 2024, is amended to read as follows:

(i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, **130.36,** former section 130.40, former section 130.45, sections **130.51,** 130.60, **130.71, 130.81,** 230.34, 230.34-a, 250.50, 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or section 230.25 of the penal law where the person prostituted is in fact less than seventeen years old, or

§ 11. This act shall take effect immediately and shall apply to offenses committed on or after such effective date; furthermore all offenses committed prior to such effective date shall be governed by the provisions of law in effect immediately before such date.