

STATE OF NEW YORK

6399

2025-2026 Regular Sessions

IN ASSEMBLY

March 4, 2025

Introduced by M. of A. MORINELLO, DeSTEFANO, HAWLEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, the agriculture and markets law, the criminal procedure law, the civil practice law and rules, the domestic relations law, the education law, the executive law, the family court act, the general business law, the judiciary law, the labor law, the public health law, the social services law and the administrative code of the city of New York, in relation to replacing the word rape with the term sexual battery

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

1 Section 1. Section 130.25 of the penal law, as amended by chapter 777
2 of the laws of 2023, is amended to read as follows:
3 § 130.25 [~~Rape~~] Sexual battery in the third degree.
4 A person is guilty of [~~rape~~] sexual battery in the third degree when:
5 1. [~~He or she~~] Such person engages in vaginal sexual contact with
6 another person who is incapable of consent by reason of some factor
7 other than being less than seventeen years old;
8 2. [~~He or she~~] Such person engages in oral sexual contact with another
9 person who is incapable of consent by reason of some factor other than
10 being less than seventeen years old;
11 3. [~~He or she~~] Such person engages in anal sexual contact with another
12 person who is incapable of consent by reason of some other factor other
13 than being less than seventeen years old;
14 4. Being twenty-one years old or more, [~~he or she~~] such person engages
15 in vaginal sexual contact with another person less than seventeen years
16 old;
17 5. Being twenty-one years old or more, [~~he or she~~] such person engages
18 in oral sexual contact with another person less than seventeen years
19 old;
20 6. Being twenty-one years old or more, [~~he or she~~] such person engages
21 in anal sexual contact with another person less than seventeen years
22 old;

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

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1 7. [~~He or she~~] Such person engages in vaginal sexual contact with
2 another person without such person's consent where such lack of consent
3 is by reason of some factor other than incapacity to consent;

4 8. [~~He or she~~] Such person engages in oral sexual contact with another
5 person without such person's consent where such lack of consent is by
6 reason of some factor other than incapacity to consent; or

7 9. [~~He or she~~] Such person engages in anal sexual contact with another
8 person without such person's consent where such lack of consent is by
9 reason of some factor other than the incapacity to consent.

10 [~~Rape~~] Sexual battery in the third degree is a class E felony.

11 § 2. Section 130.30 of the penal law, as amended by chapter 777 of the
12 laws of 2023, is amended to read as follows:

13 § 130.30 [~~Rape~~] Sexual battery in the second degree.

14 A person is guilty of [~~rape~~] sexual battery in the second degree when:

15 1. being eighteen years old or more, [~~he or she~~] such person engages
16 in vaginal sexual contact with another person less than fifteen years
17 old;

18 2. being eighteen years old or more, [~~he or she~~] such person engages
19 in oral sexual contact with another person less than fifteen years old;

20 3. being eighteen years old or more, [~~he or she~~] such person engages
21 in anal sexual contact with another person less than fifteen years old;

22 4. [~~he or she~~] such person engages in vaginal sexual contact with
23 another person who is incapable of consent by reason of being mentally
24 disabled or mentally incapacitated;

25 5. [~~he or she~~] such person engages in oral sexual contact with another
26 person who is incapable of consent by reason of being mentally disabled
27 or mentally incapacitated; or

28 6. [~~he or she~~] such person engages in anal sexual contact with another
29 person who is incapable of consent by reason of being mentally disabled
30 or mentally incapacitated.

31 It shall be an affirmative defense to the crime of [~~rape~~] sexual
32 battery in the second degree as defined in subdivisions one, two and
33 three of this section that the defendant was less than four years older
34 than the victim at the time of the act.

35 [~~Rape~~] Sexual battery in the second degree is a class D felony.

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

38 § 130.35 [~~Rape~~] Sexual battery in the first degree.

39 A person is guilty of [~~rape~~] sexual battery in the first degree when:

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

42 (a) By forcible compulsion; or

43 (b) Who is incapable of consent by reason of being physically help-
44 less; or

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

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

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

50 (a) By forcible compulsion; or

51 (b) Who is incapable of consent by reason of being physically help-
52 less; or

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

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

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

3 (a) By forcible compulsion; or

4 (b) Who is incapable of consent by reason of being physically help-
5 less; or

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

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

9 [~~Rape~~] Sexual battery in the first degree is a class B felony.

10 § 4. Paragraph 2 of subdivision 18 of section 10.00 of the penal law,
11 as amended by chapter 23 of the laws of 2024, is amended to read as
12 follows:

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

36 § 5. Subdivision 2 of section 30.00 of the penal law, as amended by
37 chapter 23 of the laws of 2024, is amended to read as follows:

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

1 first degree); subdivision two of section 160.10 (robbery in the second
2 degree) of this chapter; or section 265.03 of this chapter, where such
3 machine gun or such firearm is possessed on school grounds, as that
4 phrase is defined in subdivision fourteen of section 220.00 of this
5 chapter; or defined in this chapter as an attempt to commit murder in
6 the second degree or kidnapping in the first degree, or for such conduct
7 as a sexually motivated felony, where authorized pursuant to section
8 130.91 of this chapter.

9 § 6. Paragraph (b) of subdivision 2 of section 35.15 of the penal law,
10 as amended by chapter 23 of the laws of 2024, is amended to read as
11 follows:

12 (b) [~~He or she~~] Such person reasonably believes that such other person
13 is committing or attempting to commit a kidnapping, forcible [~~rape~~]
14 sexual battery, forcible aggravated sexual abuse, a crime formerly
15 defined in section 130.50 of this chapter by force, or robbery; or

16 § 7. Paragraph (b) of subdivision 4 of section 35.30 of the penal law,
17 as amended by chapter 264 of the laws of 2003, is amended to read as
18 follows:

19 (b) Effect the arrest of a person who has committed murder,
20 manslaughter in the first degree, robbery, forcible [~~rape~~] sexual
21 battery or forcible criminal sexual act and who is in immediate flight
22 therefrom.

23 § 8. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the
24 penal law, as amended by chapter 23 of the laws of 2024, are amended to
25 read as follows:

26 (a) Class B violent felony offenses: an attempt to commit the class
27 A-I felonies of murder in the second degree as defined in section
28 125.25, kidnapping in the first degree as defined in section 135.25, and
29 arson in the first degree as defined in section 150.20; manslaughter in
30 the first degree as defined in section 125.20, aggravated manslaughter
31 in the first degree as defined in section 125.22, [~~rape~~] sexual battery
32 in the first degree as defined in section 130.35, a crime formerly
33 defined in section 130.50, aggravated sexual abuse in the first degree
34 as defined in section 130.70, course of sexual conduct against a child
35 in the first degree as defined in section 130.75, assault in the first
36 degree as defined in section 120.10, kidnapping in the second degree as
37 defined in section 135.20, burglary in the first degree as defined in
38 section 140.30, arson in the second degree as defined in section 150.15,
39 robbery in the first degree as defined in section 160.15, sex traffick-
40 ing as defined in paragraphs (a) and (b) of subdivision five of section
41 230.34, sex trafficking of a child as defined in section 230.34-a,
42 incest in the first degree as defined in section 255.27, criminal
43 possession of a weapon in the first degree as defined in section 265.04,
44 criminal use of a firearm in the first degree as defined in section
45 265.09, criminal sale of a firearm in the first degree as defined in
46 section 265.13, aggravated assault upon a police officer or a peace
47 officer as defined in section 120.11, gang assault in the first degree
48 as defined in section 120.07, intimidating a victim or witness in the
49 first degree as defined in section 215.17, hindering prosecution of
50 terrorism in the first degree as defined in section 490.35, criminal
51 possession of a chemical weapon or biological weapon in the second
52 degree as defined in section 490.40, and criminal use of a chemical
53 weapon or biological weapon in the third degree as defined in section
54 490.47.

55 (c) Class D violent felony offenses: an attempt to commit any of the
56 class C felonies set forth in paragraph (b); reckless assault of a child

1 as defined in section 120.02, assault in the second degree as defined in
2 section 120.05, menacing a police officer or peace officer as defined in
3 section 120.18, stalking in the first degree, as defined in subdivision
4 one of section 120.60, strangulation in the second degree as defined in
5 section 121.12, [~~rape~~] sexual battery in the second degree as defined in
6 section 130.30, a crime formerly defined in section 130.45, sexual abuse
7 in the first degree as defined in section 130.65, course of sexual
8 conduct against a child in the second degree as defined in section
9 130.80, aggravated sexual abuse in the third degree as defined in
10 section 130.66, facilitating a sex offense with a controlled substance
11 as defined in section 130.90, labor trafficking as defined in paragraphs
12 (a) and (b) of subdivision three of section 135.35, criminal possession
13 of a weapon in the third degree as defined in subdivision five, six,
14 seven, eight, nine or ten of section 265.02, criminal sale of a firearm
15 in the third degree as defined in section 265.11, intimidating a victim
16 or witness in the second degree as defined in section 215.16, soliciting
17 or providing support for an act of terrorism in the second degree as
18 defined in section 490.10, and making a terroristic threat as defined in
19 section 490.20, falsely reporting an incident in the first degree as
20 defined in section 240.60, placing a false bomb or hazardous substance
21 in the first degree as defined in section 240.62, placing a false bomb
22 or hazardous substance in a sports stadium or arena, mass transportation
23 facility or enclosed shopping mall as defined in section 240.63, aggra-
24 vated unpermitted use of indoor pyrotechnics in the first degree as
25 defined in section 405.18, and criminal manufacture, sale, or transport
26 of an undetectable firearm, rifle or shotgun as defined in section
27 265.50.

28 § 9. The opening paragraph of subdivision 3 and subdivision 5 of
29 section 125.25 of the penal law, as amended by chapter 23 of the laws of
30 2024, are amended to read as follows:

31 Acting either alone or with one or more other persons, [~~he~~] such
32 person commits or attempts to commit robbery, burglary, kidnapping,
33 arson, [~~rape~~] sexual battery in the first degree, a crime formerly
34 defined in section 130.50 of this title, the crime of sexual abuse in
35 the first degree, aggravated sexual abuse, escape in the first degree,
36 or escape in the second degree, and, in the course of and in furtherance
37 of such crime or of immediate flight therefrom, [~~he~~] such person, or
38 another participant, if there be any, causes the death of a person other
39 than one of the participants; except that in any prosecution under this
40 subdivision, in which the defendant was not the only participant in the
41 underlying crime, it is an affirmative defense that the defendant:

42 5. Being eighteen years old or more, while in the course of committing
43 [~~rape~~] sexual battery in the first, second or third degree, a crime
44 formerly defined in section 130.50, 130.45 or 130.40 of this title, the
45 crime of sexual abuse in the first degree, aggravated sexual abuse in
46 the first, second, third or fourth degree, or incest in the first,
47 second or third degree, against a person less than fourteen years old,
48 [~~he or she~~] such person intentionally causes the death of such person.

49 § 10. Subparagraph (vii) of paragraph (a) of subdivision 1 of section
50 125.27 of the penal law, as amended by chapter 23 of the laws of 2024,
51 is amended to read as follows:

52 (vii) the victim was killed while the defendant was in the course of
53 committing or attempting to commit and in furtherance of robbery,
54 burglary in the first degree or second degree, kidnapping in the first
55 degree, arson in the first degree or second degree, [~~rape~~] sexual
56 battery in the first degree, a crime formerly defined in section 130.50

1 of this title, sexual abuse in the first degree, aggravated sexual abuse
2 in the first degree or escape in the first degree, or in the course of
3 and furtherance of immediate flight after committing or attempting to
4 commit any such crime or in the course of and furtherance of immediate
5 flight after attempting to commit the crime of murder in the second
6 degree; provided however, the victim is not a participant in one of the
7 aforementioned crimes and, provided further that, unless the defendant's
8 criminal liability under this subparagraph is based upon the defendant
9 having commanded another person to cause the death of the victim or
10 intended victim pursuant to section 20.00 of this chapter, this subpara-
11 graph shall not apply where the defendant's criminal liability is based
12 upon the conduct of another pursuant to section 20.00 of this chapter;
13 or

14 § 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision
15 3 of section 130.05 of the penal law, as amended by chapter 23 of the
16 laws of 2024, are amended to read as follows:

17 (d) Where the offense charged is [~~rape~~] sexual battery in the third
18 degree as defined in subdivision seven, eight or nine of section 130.25,
19 or a crime formerly defined in subdivision three of section 130.40, in
20 addition to forcible compulsion, circumstances under which, at the time
21 of the act of vaginal sexual contact, oral sexual contact or anal sexual
22 contact, the victim clearly expressed that [~~he or she~~] they did not
23 consent to engage in such act, and a reasonable person in the actor's
24 situation would have understood such person's words and acts as an
25 expression of lack of consent to such act under all the circumstances.

26 (h) a client or patient and the actor is a health care provider or
27 mental health care provider charged with [~~rape~~] sexual battery in the
28 third degree as defined in section 130.25, a crime formerly defined in
29 section 130.40, aggravated sexual abuse in the fourth degree as defined
30 in section 130.65-a, or sexual abuse in the third degree as defined in
31 section 130.55, and the act of sexual conduct occurs during a treatment
32 session, consultation, interview, or examination; or

33 § 12. Subdivision 3 of section 130.10 of the penal law, as amended by
34 chapter 23 of the laws of 2024, is amended to read as follows:

35 3. In any prosecution for the crime of [~~rape~~] sexual battery in the
36 third degree as defined in section 130.25, a crime formerly defined in
37 section 130.40, aggravated sexual abuse in the fourth degree as defined
38 in section 130.65-a, or sexual abuse in the third degree as defined in
39 section 130.55 in which incapacity to consent is based on the circum-
40 stances set forth in paragraph (h) of subdivision three of section
41 130.05 of this article it shall be an affirmative defense that the
42 client or patient consented to such conduct charged after having been
43 expressly advised by the health care or mental health care provider that
44 such conduct was not performed for a valid medical purpose.

45 § 13. The opening paragraph and subdivision 2 of section 130.95 of the
46 penal law, as amended by chapter 23 of the laws of 2024, are amended to
47 read as follows:

48 A person is guilty of predatory sexual assault when [~~he or she~~] such
49 person commits the crime of [~~rape~~] sexual battery in the first degree, a
50 crime formerly defined in section 130.50 of this title, the crime of
51 aggravated sexual abuse in the first degree, or course of sexual conduct
52 against a child in the first degree, as defined in this article, and
53 when:

54 2. [~~He or she~~] Such person has engaged in conduct constituting the
55 crime of [~~rape~~] sexual battery in the first degree, a crime formerly
56 defined in section 130.50 of this title, the crime of aggravated sexual

1 abuse in the first degree, or course of sexual conduct against a child
2 in the first degree, as defined in this article, against one or more
3 additional persons; or

4 § 14. Section 130.96 of the penal law, as added by chapter 107 of the
5 laws of 2006, the opening paragraph as amended by chapter 23 of the laws
6 of 2024, is amended to read as follows:

7 § 130.96 Predatory sexual assault against a child.

8 A person is guilty of predatory sexual assault against a child when,
9 being eighteen years old or more, [~~he or she~~] such person commits the
10 crime of [~~rape~~] sexual battery in the first degree, a crime formerly
11 defined in section 130.50 of this title, the crime of aggravated sexual
12 abuse in the first degree, or course of sexual conduct against a child
13 in the first degree, as defined in this article, and the victim is less
14 than thirteen years old.

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

16 § 15. Subdivision 2 of section 240.75 of the penal law, as amended by
17 chapter 23 of the laws of 2024, is amended to read as follows:

18 2. A "specified offense" is an offense defined in section 120.00
19 (assault in the third degree); section 120.05 (assault in the second
20 degree); section 120.10 (assault in the first degree); section 120.13
21 (menacing in the first degree); section 120.14 (menacing in the second
22 degree); section 120.15 (menacing in the third degree); section 120.20
23 (reckless endangerment in the second degree); section 120.25 (reckless
24 endangerment in the first degree); section 120.45 (stalking in the
25 fourth degree); section 120.50 (stalking in the third degree); section
26 120.55 (stalking in the second degree); section 120.60 (stalking in the
27 first degree); section 121.11 (criminal obstruction of breathing or
28 blood circulation); section 121.12 (strangulation in the second degree);
29 section 121.13 (strangulation in the first degree); subdivision one of
30 section 125.15 (manslaughter in the second degree); subdivision one, two
31 or four of section 125.20 (manslaughter in the first degree); section
32 125.25 (murder in the second degree); section 130.20 (sexual miscon-
33 duct); section 130.25 ([~~rape~~] sexual battery in the third degree);
34 section 130.30 ([~~rape~~] sexual battery in the second degree); section
35 130.35 ([~~rape~~] sexual battery in the first degree); formerly defined in
36 section 130.40; formerly defined in section 130.45; formerly defined in
37 section 130.50; defined in section 130.52 (forcible touching); section
38 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the
39 third degree); section 130.60 (sexual abuse in the second degree);
40 section 130.65 (sexual abuse in the first degree); section 130.66
41 (aggravated sexual abuse in the third degree); section 130.67 (aggra-
42 vated sexual abuse in the second degree); section 130.70 (aggravated
43 sexual abuse in the first degree); section 130.91 (sexually motivated
44 felony); section 130.95 (predatory sexual assault); section 130.96
45 (predatory sexual assault against a child); section 135.05 (unlawful
46 imprisonment in the second degree); section 135.10 (unlawful imprison-
47 ment in the first degree); section 135.60 (coercion in the third
48 degree); section 135.61 (coercion in the second degree); section 135.65
49 (coercion in the first degree); section 140.20 (burglary in the third
50 degree); section 140.25 (burglary in the second degree); section 140.30
51 (burglary in the first degree); section 145.00 (criminal mischief in the
52 fourth degree); section 145.05 (criminal mischief in the third degree);
53 section 145.10 (criminal mischief in the second degree); section 145.12
54 (criminal mischief in the first degree); section 145.14 (criminal
55 tampering in the third degree); section 215.50 (criminal contempt in the
56 second degree); section 215.51 (criminal contempt in the first degree);

1 section 215.52 (aggravated criminal contempt); section 240.25 (harass-
2 ment in the first degree); subdivision one, two or four of section
3 240.30 (aggravated harassment in the second degree); aggravated family
4 offense as defined in this section or any attempt or conspiracy to
5 commit any of the foregoing offenses where the defendant and the person
6 against whom the offense was committed were members of the same family
7 or household as defined in subdivision one of section 530.11 of the
8 criminal procedure law.

9 § 16. Section 255.26 of the penal law, as amended by chapter 23 of the
10 laws of 2024, is amended to read as follows:

11 § 255.26 Incest in the second degree.

12 A person is guilty of incest in the second degree when [~~he or she~~]
13 such person commits the crime of [~~rape~~] sexual battery in the second
14 degree, as defined in section 130.30 of this part, or a crime formerly
15 defined in section 130.45 of this part, against a person whom [~~he or~~
16 ~~she~~] such person knows to be related to [~~him or her~~] such person, wheth-
17 er through marriage or not, as an ancestor, descendant, [~~brother or~~
18 ~~sister~~] or sibling of either the whole or the half blood, [~~uncle, aunt,~~
19 ~~nephew or niece~~] sibling of a parent or child of a sibling.

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

21 § 17. Section 255.27 of the penal law, as amended by chapter 23 of the
22 laws of 2024, is amended to read as follows:

23 § 255.27 Incest in the first degree.

24 A person is guilty of incest in the first degree when [~~he or she~~] such
25 person commits the crime of [~~rape~~] sexual battery in the first degree,
26 as defined in paragraph (c) or (d) of subdivision one, paragraph (c) or
27 (d) of subdivision two or paragraph (c) or (d) of subdivision three of
28 section 130.35 of this part, [~~rape in the first degree as~~] a crime
29 defined in former subdivision three or four of section 130.35 of this
30 part, or a crime formerly defined in subdivision three or four of
31 section 130.50 of this part, against a person whom [~~he or she~~] such
32 person knows to be related to [~~him or her~~] such person, whether through
33 marriage or not, as an ancestor, descendant, [~~brother or sister~~] or
34 sibling of either the whole or half blood, [~~uncle, aunt, nephew or~~
35 ~~niece~~] sibling of a parent or child of sibling.

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

37 § 18. Paragraph (a) of subdivision 1 of section 460.10 of the penal
38 law, as amended by chapter 134 of the laws of 2019, is amended to read
39 as follows:

40 (a) Any of the felonies set forth in this chapter: sections 120.05,
41 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
42 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
43 sections 130.25, 130.30 and 130.35 relating to [~~rape~~] sexual battery;
44 sections 135.20 and 135.25 relating to kidnapping; sections 135.35 and
45 135.37 relating to labor trafficking; section 135.65 relating to coer-
46 cion; sections 140.20, 140.25 and 140.30 relating to burglary; sections
47 145.05, 145.10 and 145.12 relating to criminal mischief; article one
48 hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and
49 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and
50 177.25 relating to health care fraud; article one hundred sixty relating
51 to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to crim-
52 inal possession of stolen property; sections 165.72 and 165.73 relating
53 to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,
54 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,
55 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,
56 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20

1 and 178.25 relating to criminal diversion of prescription medications
2 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,
3 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,
4 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19 relating to bribery;
5 sections 187.10, 187.15, 187.20 and 187.25 relating to residential mort-
6 gage fraud, sections 190.40 and 190.42 relating to criminal usury;
7 section 190.65 relating to schemes to defraud; any felony defined in
8 article four hundred ninety-six; sections 205.60 and 205.65 relating to
9 hindering prosecution; sections 210.10, 210.15, and 215.51 relating to
10 perjury and contempt; section 215.40 relating to tampering with physical
11 evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31,
12 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and
13 220.77 relating to controlled substances; sections 225.10 and 225.20
14 relating to gambling; sections 230.25, 230.30, and 230.32 relating to
15 promoting prostitution; section 230.34 relating to sex trafficking;
16 section 230.34-a relating to sex trafficking of a child; sections
17 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10
18 and 263.15 relating to promoting a sexual performance by a child;
19 sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
20 provisions of section 265.10 which constitute a felony relating to
21 firearms and other dangerous weapons; sections 265.14 and 265.16 relat-
22 ing to criminal sale of a firearm; section 265.50 relating to the crimi-
23 nal manufacture, sale or transport of an undetectable firearm, rifle or
24 shotgun; section 275.10, 275.20, 275.30, or 275.40 relating to unauthor-
25 ized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating
26 to money laundering; or

27 § 19. Subdivision 3 of section 485.05 of the penal law, as amended by
28 section 2 of part C of chapter 55 of the laws of 2024, is amended to
29 read as follows:

30 3. A "specified offense" is an offense defined by any of the following
31 provisions of this chapter: section 120.00 (assault in the third
32 degree); section 120.05 (assault in the second degree); section 120.06
33 (gang assault in the second degree); section 120.07 (gang assault in the
34 first degree); section 120.10 (assault in the first degree); section
35 120.12 (aggravated assault upon a person less than eleven years old);
36 section 120.13 (menacing in the first degree); section 120.14 (menacing
37 in the second degree); section 120.15 (menacing in the third degree);
38 section 120.20 (reckless endangerment in the second degree); section
39 120.25 (reckless endangerment in the first degree); section 121.11
40 (criminal obstruction of breathing or blood circulation); section 121.12
41 (strangulation in the second degree); section 121.13 (strangulation in
42 the first degree); subdivision one of section 125.15 (manslaughter in
43 the second degree); subdivision one, two or four of section 125.20
44 (manslaughter in the first degree); section 125.25 (murder in the second
45 degree); section 125.26 (aggravated murder); section 125.27 (murder in
46 the first degree); section 120.45 (stalking in the fourth degree);
47 section 120.50 (stalking in the third degree); section 120.55 (stalking
48 in the second degree); section 120.60 (stalking in the first degree);
49 section 130.20 (sexual misconduct); section 130.25 (~~[rape]~~ sexual
50 battery in the third degree); section 130.30 (~~[rape]~~ sexual battery in
51 the second degree); section 130.35 (~~[rape]~~ sexual battery in the first
52 degree); former section 130.40; former section 130.45; former section
53 130.50; section 130.52 (forcible touching); section 130.53 (persistent
54 sexual abuse); section 130.55 (sexual abuse in the third degree);
55 section 130.60 (sexual abuse in the second degree); section 130.65
56 (sexual abuse in the first degree); section 130.65-a (aggravated sexual

1 abuse in the fourth degree); section 130.66 (aggravated sexual abuse in
2 the third degree); section 130.67 (aggravated sexual abuse in the second
3 degree); section 130.70 (aggravated sexual abuse in the first degree);
4 section 135.05 (unlawful imprisonment in the second degree); section
5 135.10 (unlawful imprisonment in the first degree); section 135.20
6 (kidnapping in the second degree); section 135.25 (kidnapping in the
7 first degree); section 135.60 (coercion in the third degree); section
8 135.61 (coercion in the second degree); section 135.65 (coercion in the
9 first degree); section 140.10 (criminal trespass in the third degree);
10 section 140.15 (criminal trespass in the second degree); section 140.17
11 (criminal trespass in the first degree); section 140.20 (burglary in the
12 third degree); section 140.25 (burglary in the second degree); section
13 140.30 (burglary in the first degree); section 145.00 (criminal mischief
14 in the fourth degree); section 145.05 (criminal mischief in the third
15 degree); section 145.10 (criminal mischief in the second degree);
16 section 145.12 (criminal mischief in the first degree); section 150.05
17 (arson in the fourth degree); section 150.10 (arson in the third
18 degree); section 150.15 (arson in the second degree); section 150.20
19 (arson in the first degree); section 155.25 (petit larceny); section
20 155.30 (grand larceny in the fourth degree); section 155.35 (grand
21 larceny in the third degree); section 155.40 (grand larceny in the
22 second degree); section 155.42 (grand larceny in the first degree);
23 section 160.05 (robbery in the third degree); section 160.10 (robbery in
24 the second degree); section 160.15 (robbery in the first degree);
25 section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a
26 child); section 240.25 (harassment in the first degree); subdivision
27 one, two or four of section 240.30 (aggravated harassment in the second
28 degree); section 240.50 (falsely reporting an incident in the third
29 degree); section 240.55 (falsely reporting an incident in the second
30 degree); section 240.60 (falsely reporting an incident in the first
31 degree); subdivision one of section 265.03 (criminal possession of a
32 weapon in the second degree); subdivision one of section 265.04 (crimi-
33 nal possession of a weapon in the first degree); section 490.10 (solic-
34 iting or providing support for an act of terrorism in the second
35 degree); section 490.15 (soliciting or providing support for an act of
36 terrorism in the first degree); section 490.20 (making a terroristic
37 threat); section 490.25 (crime of terrorism); section 490.30 (hindering
38 prosecution of terrorism in the second degree); section 490.35 (hinder-
39 ing prosecution of terrorism in the first degree); section 490.37 (crim-
40 inal possession of a chemical weapon or biological weapon in the third
41 degree); section 490.40 (criminal possession of a chemical weapon or
42 biological weapon in the second degree); section 490.45 (criminal
43 possession of a chemical weapon or biological weapon in the first
44 degree); section 490.47 (criminal use of a chemical weapon or biological
45 weapon in the third degree); section 490.50 (criminal use of a chemical
46 weapon or biological weapon in the second degree); section 490.55 (crim-
47 inal use of a chemical weapon or biological weapon in the first degree);
48 or any attempt or conspiracy to commit any of the foregoing offenses.

49 § 20. Subdivision 11 of section 123 of the agriculture and markets
50 law, as amended by chapter 23 of the laws of 2024, is amended to read as
51 follows:

52 11. The owner shall not be liable pursuant to subdivision six, seven,
53 eight, nine or ten of this section if the dog was coming to the aid or
54 defense of a person during the commission or attempted commission of a
55 murder, robbery, burglary, arson, [~~rape~~] sexual battery in the first
56 degree as defined in paragraph (a) or (b) of subdivision one, paragraph

1 (a) or (b) of subdivision two or paragraph (a) or (b) of subdivision
2 three of section 130.35 of the penal law, [~~rape in the first degree as~~
3 a crime defined in the former subdivision one of section 130.35 of the
4 penal law, a crime formerly defined in subdivision one or two of section
5 130.50 of the penal law or kidnapping within the dwelling or upon the
6 real property of the owner of the dog and the dog injured or killed the
7 person committing such criminal activity.

8 § 21. Subdivision 42 of section 1.20 of the criminal procedure law, as
9 amended by chapter 23 of the laws of 2024, is amended to read as
10 follows:

11 42. "Juvenile offender" means (1) a person, thirteen years old who is
12 criminally responsible for acts constituting murder in the second degree
13 as defined in subdivisions one and two of section 125.25 of the penal
14 law, or such conduct as a sexually motivated felony, where authorized
15 pursuant to section 130.91 of the penal law; and (2) a person fourteen
16 or fifteen years old who is criminally responsible for acts constituting
17 the crimes defined in subdivisions one and two of section 125.25 (murder
18 in the second degree) and in subdivision three of such section provided
19 that the underlying crime for the murder charge is one for which such
20 person is criminally responsible; section 135.25 (kidnapping in the
21 first degree); 150.20 (arson in the first degree); subdivisions one and
22 two of section 120.10 (assault in the first degree); 125.20 (manslaught-
23 er in the first degree); paragraphs (a) and (b) of subdivision one,
24 paragraphs (a) and (b) of subdivision two and paragraphs (a) and (b) of
25 subdivision three of section 130.35 (~~[rape]~~ sexual battery in the first
26 degree); former subdivisions one and two of section 130.35 [~~rape in the~~
27 ~~first degree~~]; subdivisions one and two of former section 130.50;
28 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary
29 in the first degree); subdivision one of section 140.25 (burglary in the
30 second degree); 150.15 (arson in the second degree); 160.15 (robbery in
31 the first degree); subdivision two of section 160.10 (robbery in the
32 second degree) of the penal law; or section 265.03 of the penal law,
33 where such machine gun or such firearm is possessed on school grounds,
34 as that phrase is defined in subdivision fourteen of section 220.00 of
35 the penal law; or defined in the penal law as an attempt to commit
36 murder in the second degree or kidnapping in the first degree, or such
37 conduct as a sexually motivated felony, where authorized pursuant to
38 section 130.91 of the penal law.

39 § 22. Paragraphs (a), (a-1) and (a-2) of subdivision 2 of section
40 30.10 of the criminal procedure law, paragraph (a) as amended and para-
41 graphs (a-1) and (a-2) as added by chapter 315 of the laws of 2019, are
42 amended to read as follows:

43 (a) A prosecution for a class A felony, or [~~rape]~~ sexual battery in
44 the first degree as defined in section 130.35 of the penal law, or a
45 crime defined or formerly defined in section 130.50 of the penal law, or
46 aggravated sexual abuse in the first degree as defined in section 130.70
47 of the penal law, or course of sexual conduct against a child in the
48 first degree as defined in section 130.75 of the penal law, or incest in
49 the first degree as defined in section 255.27 of the penal law may be
50 commenced at any time;

51 (a-1) A prosecution for [~~rape]~~ sexual battery in the second degree as
52 defined in subdivision two of section 130.30 of the penal law, or crimi-
53 nal sexual act in the second degree as defined in subdivision two of
54 section 130.45 of the penal law, or incest in the second degree as
55 defined in section 255.26 of the penal law (where the crime committed is
56 [~~rape]~~ sexual battery in the second degree as defined in subdivision two

1 of section 130.30 of the penal law or criminal sexual act in the second
2 degree as defined in subdivision two of section 130.45) must be
3 commenced within twenty years after the commission thereof or within ten
4 years from when the offense is first reported to law enforcement, which-
5 ever occurs earlier;

6 (a-2) A prosecution for [~~rape~~] sexual battery in the third degree as
7 defined in subdivision one or three of section 130.25 of the penal law,
8 or criminal sexual act in the third degree as defined in subdivision one
9 or three of section 130.40 of the penal law must be commenced within ten
10 years after the commission thereof;

11 § 23. The section heading of section 60.76 of the criminal procedure
12 law, as added by chapter 432 of the laws of 1993, is amended to read as
13 follows:

14 Rules of evidence; [~~rape~~] sexual battery crisis counselor evidence in
15 certain cases.

16 § 24. Paragraph (h) of subdivision 3 of section 190.25 of the criminal
17 procedure law, as amended by chapter 347 of the laws of 2014, is amended
18 to read as follows:

19 (h) A social worker, [~~rape~~] sexual battery crisis counselor, psychol-
20 ogist or other professional providing emotional support to a child
21 witness twelve years old or younger, or a social worker or informal
22 caregiver, as provided in subdivision two of section two hundred six of
23 the elder law, for a vulnerable elderly person as provided in subdivi-
24 sion three of section 260.31 of the penal law, who is called to give
25 evidence in a grand jury proceeding concerning a crime defined in arti-
26 cle one hundred twenty-one, article one hundred thirty, article two
27 hundred sixty, section 120.10, 125.10, 125.15, 125.20, 125.25, 125.26,
28 125.27, 255.25, 255.26 or 255.27 of the penal law provided that the
29 district attorney consents. Such support person shall not provide the
30 witness with an answer to any question or otherwise participate in such
31 proceeding and shall first take an oath before the grand jury that [~~he~~
32 ~~or she~~] such support person will keep secret all matters before such
33 grand jury within [~~his or her~~] such support person's knowledge.

34 § 25. Paragraph (c) of subdivision 5 of section 190.32 of the criminal
35 procedure law, as amended by chapter 91 of the laws of 1995, is amended
36 to read as follows:

37 (c) A social worker, [~~rape~~] sexual battery crisis counselor, psychol-
38 ogist or other professional providing emotional support to a child
39 witness or to a special witness, as defined in subparagraph (ii) of
40 paragraph (b) of subdivision one of this section, or any of those
41 persons enumerated in paragraphs (a), (b), (c), (d), (e), (f) and (g) of
42 subdivision three of section 190.25 may be present during the videotap-
43 ing except that a doctor, nurse or other medical assistant also may be
44 present if required by the attendant circumstances. Each person present,
45 except the witness, must, if [~~he~~] such witness has not previously taken
46 a constitutional oath of office or an oath that [~~he~~] such witness will
47 keep secret all matters before a grand jury, must take an oath on the
48 record that [~~he~~] such witness will keep secret the videotaped examina-
49 tion.

50 § 26. Subdivision (a) of section 190.71 of the criminal procedure law,
51 as amended by chapter 23 of the laws of 2024, is amended to read as
52 follows:

53 (a) Except as provided in subdivision six of section 200.20 of this
54 [~~chapter~~] title, a grand jury may not indict (i) a person thirteen years
55 of age for any conduct or crime other than conduct constituting a crime
56 defined in subdivisions one and two of section 125.25 (murder in the

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

26 § 27. Subparagraph (iii) of paragraph (g) of subdivision 5 of section
27 220.10 of the criminal procedure law, as amended by chapter 23 of the
28 laws of 2024, is amended to read as follows:

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

1 § 28. Subdivision 6 of section 300.50 of the criminal procedure law,
2 as amended by chapter 23 of the laws of 2024, is amended to read as
3 follows:

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

16 § 29. Paragraph (c) of subdivision 2 of section 440.47 of the criminal
17 procedure law, as added by chapter 31 of the laws of 2019, is amended to
18 read as follows:

19 (c) An application for resentencing pursuant to this section must
20 include at least two pieces of evidence corroborating the applicant's
21 claim that [~~he or she~~] such applicant was, at the time of the offense, a
22 victim of domestic violence subjected to substantial physical, sexual or
23 psychological abuse inflicted by a member of the same family or house-
24 hold as the applicant as such term is defined in subdivision one of
25 section 530.11 of this chapter.

26 At least one piece of evidence must be either a court record, pre-sen-
27 tence report, social services record, hospital record, sworn statement
28 from a witness to the domestic violence, law enforcement record, domes-
29 tic incident report, or order of protection. Other evidence may include,
30 but shall not be limited to, local and state department of corrections
31 and community supervision records, a showing based in part on documenta-
32 tion prepared at or near the time of the commission of the offense or
33 the prosecution thereof tending to support the person's claim, or when
34 there is verification of consultation with a licensed medical or mental
35 health care provider, employee of a court acting within the scope of
36 [~~his or her~~] their employment, member of the clergy, attorney, social
37 worker, or [~~rape~~] sexual battery crisis counselor as defined in section
38 forty-five hundred ten of the civil practice law and rules, or other
39 advocate acting on behalf of an agency that assists victims of domestic
40 violence for the purpose of assisting such person with domestic violence
41 victim counseling or support.

42 § 30. Paragraph (b) of subdivision 8 of section 700.05 of the criminal
43 procedure law, as amended by chapter 23 of the laws of 2024, is amended
44 to read as follows:

45 (b) Any of the following felonies: assault in the second degree as
46 defined in section 120.05 of the penal law, assault in the first degree
47 as defined in section 120.10 of the penal law, reckless endangerment in
48 the first degree as defined in section 120.25 of the penal law, promot-
49 ing a suicide attempt as defined in section 120.30 of the penal law,
50 strangulation in the second degree as defined in section 121.12 of the
51 penal law, strangulation in the first degree as defined in section
52 121.13 of the penal law, criminally negligent homicide as defined in
53 section 125.10 of the penal law, manslaughter in the second degree as
54 defined in section 125.15 of the penal law, manslaughter in the first
55 degree as defined in section 125.20 of the penal law, murder in the
56 second degree as defined in section 125.25 of the penal law, murder in

1 the first degree as defined in section 125.27 of the penal law, [~~rape~~
2 sexual battery in the third degree as defined in section 130.25 of the
3 penal law, [~~rape~~ sexual battery in the second degree as defined in
4 section 130.30 of the penal law, [~~rape~~ sexual battery in the first
5 degree as defined in section 130.35 of the penal law, a crime formerly
6 defined in section 130.40 of the penal law, a crime formerly defined in
7 section 130.45 of the penal law, a crime formerly defined in section
8 130.50 of the penal law, sexual abuse in the first degree as defined in
9 section 130.65 of the penal law, unlawful imprisonment in the first
10 degree as defined in section 135.10 of the penal law, kidnapping in the
11 second degree as defined in section 135.20 of the penal law, kidnapping
12 in the first degree as defined in section 135.25 of the penal law, labor
13 trafficking as defined in section 135.35 of the penal law, aggravated
14 labor trafficking as defined in section 135.37 of the penal law, custo-
15 dial interference in the first degree as defined in section 135.50 of
16 the penal law, coercion in the first degree as defined in section 135.65
17 of the penal law, criminal trespass in the first degree as defined in
18 section 140.17 of the penal law, burglary in the third degree as defined
19 in section 140.20 of the penal law, burglary in the second degree as
20 defined in section 140.25 of the penal law, burglary in the first degree
21 as defined in section 140.30 of the penal law, criminal mischief in the
22 third degree as defined in section 145.05 of the penal law, criminal
23 mischief in the second degree as defined in section 145.10 of the penal
24 law, criminal mischief in the first degree as defined in section 145.12
25 of the penal law, criminal tampering in the first degree as defined in
26 section 145.20 of the penal law, arson in the fourth degree as defined
27 in section 150.05 of the penal law, arson in the third degree as defined
28 in section 150.10 of the penal law, arson in the second degree as
29 defined in section 150.15 of the penal law, arson in the first degree as
30 defined in section 150.20 of the penal law, grand larceny in the fourth
31 degree as defined in section 155.30 of the penal law, grand larceny in
32 the third degree as defined in section 155.35 of the penal law, grand
33 larceny in the second degree as defined in section 155.40 of the penal
34 law, grand larceny in the first degree as defined in section 155.42 of
35 the penal law, health care fraud in the fourth degree as defined in
36 section 177.10 of the penal law, health care fraud in the third degree
37 as defined in section 177.15 of the penal law, health care fraud in the
38 second degree as defined in section 177.20 of the penal law, health care
39 fraud in the first degree as defined in section 177.25 of the penal law,
40 robbery in the third degree as defined in section 160.05 of the penal
41 law, robbery in the second degree as defined in section 160.10 of the
42 penal law, robbery in the first degree as defined in section 160.15 of
43 the penal law, unlawful use of secret scientific material as defined in
44 section 165.07 of the penal law, criminal possession of stolen property
45 in the fourth degree as defined in section 165.45 of the penal law,
46 criminal possession of stolen property in the third degree as defined in
47 section 165.50 of the penal law, criminal possession of stolen property
48 in the second degree as defined by section 165.52 of the penal law,
49 criminal possession of stolen property in the first degree as defined by
50 section 165.54 of the penal law, trademark counterfeiting in the second
51 degree as defined in section 165.72 of the penal law, trademark counter-
52 feiting in the first degree as defined in section 165.73 of the penal
53 law, forgery in the second degree as defined in section 170.10 of the
54 penal law, forgery in the first degree as defined in section 170.15 of
55 the penal law, criminal possession of a forged instrument in the second
56 degree as defined in section 170.25 of the penal law, criminal

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

42 § 31. Paragraph (a) of subdivision 2 and subdivision 3 of section
43 720.10 of the criminal procedure law, paragraph (a) of subdivision 2 as
44 amended by chapter 23 of the laws of 2024 and subdivision 3 as amended
45 by chapter 264 of the laws of 2003, are amended to read as follows:

46 (a) the conviction to be replaced by a youthful offender finding is
47 for (i) a class A-I or class A-II felony, or (ii) an armed felony as
48 defined in subdivision forty-one of section 1.20, except as provided in
49 subdivision three, or (iii) ~~[rape]~~ sexual battery in the first degree, a
50 crime formerly defined in section 130.50 of the penal law, or the crime
51 of aggravated sexual abuse, except as provided in subdivision three, or

52 3. Notwithstanding the provisions of subdivision two, a youth who has
53 been convicted of an armed felony offense or of ~~[rape]~~ sexual battery in
54 the first degree, criminal sexual act in the first degree, or aggravated
55 sexual abuse is an eligible youth if the court determines that one or
56 more of the following factors exist: (i) mitigating circumstances that

1 bear directly upon the manner in which the crime was committed; or (ii)
2 where the defendant was not the sole participant in the crime, the
3 defendant's participation was relatively minor although not so minor as
4 to constitute a defense to the prosecution. Where the court determines
5 that the eligible youth is a youthful offender, the court shall make a
6 statement on the record of the reasons for its determination, a tran-
7 script of which shall be forwarded to the state division of criminal
8 justice services, to be kept in accordance with the provisions of subdivi-
9 sion three of section eight hundred thirty-seven-a of the executive
10 law.

11 § 32. Subdivision 4 of section 722.20 of the criminal procedure law,
12 as amended by chapter 23 of the laws of 2024, is amended to read as
13 follows:

14 4. Notwithstanding the provisions of subdivisions two and three of
15 this section, the court shall, at the request of the district attorney,
16 order removal of an action against a juvenile offender to the family
17 court pursuant to the provisions of article seven hundred twenty-five of
18 this title if, upon consideration of the criteria specified in subdivi-
19 sion two of section 722.22 of this article, it is determined that to do
20 so would be in the interests of justice. Where, however, the felony
21 complaint charges the juvenile offender with murder in the second degree
22 as defined in section 125.25 of the penal law, [~~rape~~] sexual battery in
23 the first degree as defined in paragraph (a) of subdivision one, para-
24 graph (a) of subdivision two and paragraph (a) of subdivision three of
25 section 130.35 of the penal law, [~~rape in the first degree as~~] a crime
26 formerly defined in subdivision one of section 130.35 of the penal law;
27 a crime formerly defined in subdivision one of section 130.50 of the
28 penal law, or an armed felony as defined in paragraph (a) of subdivision
29 forty-one of section 1.20 of this chapter, a determination that such
30 action be removed to the family court shall, in addition, be based upon
31 a finding of one or more of the following factors: (i) mitigating
32 circumstances that bear directly upon the manner in which the crime was
33 committed; or (ii) where the defendant was not the sole participant in
34 the crime, the defendant's participation was relatively minor although
35 not so minor as to constitute a defense to the prosecution; or (iii)
36 possible deficiencies in proof of the crime.

37 § 33. Subdivision 5 of section 722.21 of the criminal procedure law,
38 as amended by chapter 23 of the laws of 2024, is amended to read as
39 follows:

40 5. Notwithstanding subdivisions two and three of this section, at the
41 request of the district attorney, the court shall order removal of an
42 action against an adolescent offender charged with an offense listed in
43 paragraph (a) of subdivision two of section 722.23 of this article, to
44 the family court pursuant to the provisions of article seven hundred
45 twenty-five of this title and upon consideration of the criteria speci-
46 fied in subdivision two of section 722.22 of this article, it is deter-
47 mined that to do so would be in the interests of justice. Where, howev-
48 er, the felony complaint charges the adolescent offender with murder in
49 the second degree as defined in section 125.25 of the penal law, [~~rape~~]
50 sexual battery in the first degree as defined in paragraph (a) of subdivi-
51 sion one, paragraph (a) of subdivision two and paragraph (a) of subdivi-
52 sion three of section 130.35 of the penal law, [~~rape in the first~~
53 ~~degree as~~] a crime formerly defined in subdivision one of section 130.35
54 of the penal law, a crime formerly defined in subdivision one of section
55 130.50 of the penal law, or an armed felony as defined in paragraph (a)
56 of subdivision forty-one of section 1.20 of this chapter, a determi-

1 nation that such action be removed to the family court shall, in addi-
2 tion, be based upon a finding of one or more of the following factors:
3 (i) mitigating circumstances that bear directly upon the manner in which
4 the crime was committed; or (ii) where the defendant was not the sole
5 participant in the crime, the defendant's participation was relatively
6 minor although not so minor as to constitute a defense to the prose-
7 cution; or (iii) possible deficiencies in proof of the crime.

8 § 34. Paragraph (b) of subdivision 1 of section 722.22 of the criminal
9 procedure law, as amended by chapter 23 of the laws of 2024, is amended
10 to read as follows:

11 (b) with the consent of the district attorney, order removal of an
12 action involving an indictment charging a juvenile offender with murder
13 in the second degree as defined in section 125.25 of the penal law;
14 [~~rape~~] sexual battery in the first degree, as defined in paragraph (a)
15 of subdivision one, paragraph (a) of subdivision two and paragraph (a)
16 of subdivision three of section 130.35 of the penal law; [~~rape in the~~
17 ~~first-degree-as~~] a crime formerly defined in subdivision one of section
18 130.35 of the penal law; a crime formerly defined in subdivision one of
19 section 130.50 of the penal law; or an armed felony as defined in para-
20 graph (a) of subdivision forty-one of section 1.20 of this chapter, to
21 the family court pursuant to the provisions of article seven hundred
22 twenty-five of this title if the court finds one or more of the follow-
23 ing factors: (i) mitigating circumstances that bear directly upon the
24 manner in which the crime was committed; (ii) where the defendant was
25 not the sole participant in the crime, the defendant's participation was
26 relatively minor although not so minor as to constitute a defense to the
27 prosecution; or (iii) possible deficiencies in the proof of the crime,
28 and, after consideration of the factors set forth in subdivision two of
29 this section, the court determined that removal of the action to the
30 family court would be in the interests of justice.

31 § 35. Section 213-c of the civil practice law and rules, as amended by
32 chapter 23 of the laws of 2024, is amended to read as follows:

33 § 213-c. Action by victim of conduct constituting certain sexual
34 offenses. Notwithstanding any other limitation set forth in this arti-
35 cle, except as provided in subdivision (b) of section two hundred eight
36 of this article, all civil claims or causes of action brought by any
37 person for physical, psychological or other injury or condition suffered
38 by such person as a result of conduct which would constitute [~~rape~~]
39 sexual battery in the first degree as defined in section 130.35 of the
40 penal law, or [~~rape~~] sexual battery in the second degree as defined in
41 subdivision four, five or six of section 130.30 of the penal law, or
42 [~~rape in the second degree~~] a crime as defined in former subdivision two
43 of section 130.30 of the penal law, or [~~rape~~] sexual battery in the
44 third degree as defined in subdivision one, two, three, seven, eight or
45 nine of section 130.25 of the penal law, or a crime formerly defined in
46 section 130.50 of the penal law, or a crime formerly defined in subdivi-
47 sion two of section 130.45 of the penal law, or a crime formerly defined
48 in subdivision one or three of section 130.40 of the penal law, or
49 incest in the first degree as defined in section 255.27 of the penal
50 law, or incest in the second degree as defined in section 255.26 of the
51 penal law (where the crime committed is [~~rape~~] sexual battery in the
52 second degree as defined in subdivision four, five or six of section
53 130.30 of the penal law, or [~~rape in the second degree-as~~] a crime
54 formerly defined in subdivision two of section 130.30 of the penal law,
55 or a crime formerly defined in subdivision two of section 130.45 of the
56 penal law), or aggravated sexual abuse in the first degree as defined in

1 section 130.70 of the penal law, or course of sexual conduct against a
2 child in the first degree as defined in section 130.75 of the penal law
3 may be brought against any party whose intentional or negligent acts or
4 omissions are alleged to have resulted in the commission of the said
5 conduct, within twenty years. Nothing in this section shall be construed
6 to require that a criminal charge be brought or a criminal conviction be
7 obtained as a condition of bringing a civil cause of action or receiving
8 a civil judgment pursuant to this section or be construed to require
9 that any of the rules governing a criminal proceeding be applicable to
10 any such civil action.

11 § 36. Paragraph (b) of subdivision 8 of section 215 of the civil prac-
12 tice law and rules, as amended by chapter 23 of the laws of 2024, is
13 amended to read as follows:

14 (b) Whenever it is shown that a criminal action against the same
15 defendant has been commenced with respect to the event or occurrence
16 from which a claim governed by this section arises, and such criminal
17 action is for [~~rape~~] sexual battery in the first degree as defined in
18 section 130.35 of the penal law, or a crime formerly defined in section
19 130.50 of the penal law, or aggravated sexual abuse in the first degree
20 as defined in section 130.70 of the penal law, or course of sexual
21 conduct against a child in the first degree as defined in section 130.75
22 of the penal law, the plaintiff shall have at least five years from the
23 termination of the criminal action as defined in section 1.20 of the
24 criminal procedure law in which to commence the civil action, notwith-
25 standing that the time in which to commence such action has already
26 expired or has less than a year remaining.

27 § 37. Section 4510 of the civil practice law and rules, as amended by
28 chapter 309 of the laws of 2021, is amended to read as follows:

29 § 4510. [~~Rape~~] Sexual battery crisis counselor or domestic violence
30 advocate. (a) Definitions. When used in this section, the following
31 terms shall have the following meanings:

32 1. "[~~Rape~~] Sexual battery crisis program" means any office, institu-
33 tion or center which has been approved pursuant to subdivision fifteen
34 of section two hundred six of the public health law, as added by chapter
35 432 of the laws of 1993, offering counseling and assistance to clients
36 concerning sexual offenses, sexual abuses or incest.

37 2. "[~~Rape~~] Sexual battery crisis counselor" means any person who has
38 been certified by an approved [~~rape~~] sexual battery crisis program as
39 having satisfied the training standards specified in subdivision fifteen
40 of section two hundred six of the public health law, as added by chapter
41 432 of the laws of 1993, and who, regardless of compensation, is acting
42 under the direction and supervision of an approved [~~rape~~] sexual battery
43 crisis program.

44 3. "Client" means (i) any person who is seeking or receiving the
45 services of a [~~rape~~] sexual battery crisis counselor for the purpose of
46 securing counseling or assistance concerning any sexual offenses, sexual
47 abuse, incest or attempts to commit sexual offenses, sexual abuse, or
48 incest, as defined in the penal law; or

49 (ii) any victim of domestic violence as defined in section four
50 hundred fifty-nine-a of the social services law.

51 4. "Domestic violence program" means a residential program for victims
52 of domestic violence or a non-residential program for victims of domes-
53 tic violence as defined in section four hundred fifty-nine-a of the
54 social services law or any similar program operated by an Indian tribe,
55 as defined by section two of the Indian law.

1 5. "Domestic violence advocate" means any person who is acting under
2 the direction and supervision of a licensed and approved domestic
3 violence program and has satisfied the training standards required by
4 the office of children and family services.

5 (b) Confidential information privileged. A [~~rape~~] sexual battery
6 crisis counselor or domestic violence advocate shall not be required to
7 disclose a communication made by [~~his or her~~] such counselor or advo-
8 cate's client to [~~him or her~~] such counselor or advocate, or advice
9 given thereon, in the course of [~~his or her~~] such counselor or advocate
10 services nor shall any clerk, stenographer or other person working for
11 the same program as the [~~rape~~] sexual battery crisis counselor or domes-
12 tic violence advocate or for the [~~rape~~] sexual battery crisis counselor
13 or domestic violence advocate be allowed to disclose any such communi-
14 cation or advice given thereon nor shall any records made in the course
15 of the services given to the client or recording of any communications
16 made by or to a client be required to be disclosed, nor shall the client
17 be compelled to disclose such communication or records, except:

18 1. that a [~~rape~~] sexual battery crisis counselor or domestic violence
19 advocate may disclose such otherwise confidential communication to the
20 extent authorized by the client;

21 2. that a [~~rape~~] sexual battery crisis counselor or domestic violence
22 advocate shall not be required to treat as confidential a communication
23 by a client which reveals the intent to commit a crime or harmful act;

24 3. that a domestic violence advocate shall not be required to treat as
25 confidential a communication by a client which reveals a case of
26 suspected child abuse or maltreatment pursuant to title six of article
27 six of the social services law;

28 4. in a case in which the client waives the privilege by instituting
29 charges against the [~~rape~~] sexual battery crisis counselor or domestic
30 violence advocate or the [~~rape~~] sexual battery crisis program or domes-
31 tic violence program and such action or proceeding involves confidential
32 communications between the client and the [~~rape~~] sexual battery crisis
33 counselor or domestic violence advocate.

34 (c) Who may waive the privilege. The privilege may only be waived if
35 the client, the personal representative of a deceased client, or, in the
36 case of a client who has been adjudicated incompetent or for whom a
37 conservator has been appointed, the committee or conservator provides
38 the [~~rape~~] sexual battery crisis counselor or domestic violence advocate
39 with informed, written and reasonably time-limited consent.

40 (d) Limitation on waiver. A client who, for the purposes of obtaining
41 compensation under article twenty-two of the executive law or insurance
42 benefits, authorizes the disclosure of any privileged communication to
43 an employee of the office of victim services or an insurance represen-
44 tative shall not be deemed to have waived the privilege created by this
45 section.

46 § 38. Paragraph (A) of subdivision 1 of section 111-a of the domestic
47 relations law, as amended by chapter 828 of the laws of 2022, is amended
48 to read as follows:

49 (A) [~~rape~~] sexual battery in first or second degree;

50 § 39. Paragraph (b) of subdivision 3-a of section 115-d of the domes-
51 tic relations law, as amended by chapter 623 of the laws of 2008, is
52 amended to read as follows:

53 (b) Notwithstanding any other provision of law to the contrary, a
54 petition for certification as a qualified adoptive parent shall be
55 denied where a criminal history record of the applicant reveals a
56 conviction for (i) a felony conviction at any time involving: (1) child

1 abuse or neglect; (2) spousal abuse; (3) a crime against a child,
2 including child pornography; or (4) a crime involving violence, includ-
3 ing [~~rape~~] sexual battery, sexual assault, or homicide, other than a
4 crime involving physical assault or battery; or (ii) a felony conviction
5 within the past five years for physical assault, battery, or a drug-re-
6 lated offense.

7 § 40. Clause 1 of subparagraph (A) of paragraph (b) of subdivision 1-c
8 of section 240 of the domestic relations law, as amended by chapter 182
9 of the laws of 2019, is amended to read as follows:

10 (1) [~~rape~~] sexual battery in the first or second degree;

11 § 41. Subdivision 7 of section 6444 of the education law, as added by
12 chapter 76 of the laws of 2015, is amended to read as follows:

13 7. Institutions that lack appropriate on-campus resources or services
14 shall, to the extent practicable, enter into memoranda of understanding,
15 agreements or collaborative partnerships with existing community-based
16 organizations, including [~~rape-crisis~~] sexual battery-crisis centers and
17 domestic violence shelters and assistance organizations, to refer
18 students for assistance or make services available to students, includ-
19 ing counseling, health, mental health, victim advocacy, and legal
20 assistance, which may also include resources and services for the
21 respondent.

22 § 42. Subdivision 4 of section 7605 of the education law, as amended
23 by chapter 554 of the laws of 2013, is amended to read as follows:

24 4. The practice, conduct, activities, or services by any person
25 licensed or otherwise authorized to practice nursing as a registered
26 professional nurse or nurse practitioner within the state pursuant to
27 article one hundred thirty-nine of this title or by any person licensed
28 or otherwise authorized to practice social work within the state pursu-
29 ant to article one hundred fifty-four of this title, or by any person
30 licensed or otherwise authorized to practice mental health counseling,
31 marriage and family therapy, creative arts therapy, or psychoanalysis
32 within the state pursuant to article one hundred sixty-three of this
33 title, or any person licensed or otherwise authorized to practice
34 applied behavior analysis within the state pursuant to article one
35 hundred sixty-seven of this title or any individual who is credentialed
36 under any law, including attorneys, [~~rape~~] sexual battery crisis counse-
37 lers, certified alcoholism counselors, and certified substance abuse
38 counselors from providing mental health services within their respective
39 established authorities.

40 § 43. Paragraph (a) of subdivision 5 of section 7706 of the education
41 law, as added by chapter 420 of the laws of 2002, is amended to read as
42 follows:

43 (a) any individual who is credentialed under any law, including attor-
44 neys, [~~rape~~] sexual battery crisis counselors, credentialed alcoholism
45 and substance abuse counselors whose scope of practice includes the
46 practices defined in section seventy-seven hundred one of this article
47 from performing or claiming to perform work authorized by applicable
48 provisions of this chapter and the mental hygiene law;

49 § 44. Subdivision 2 of section 8410 of the education law, as added by
50 chapter 676 of the laws of 2002, is amended to read as follows:

51 2. Prohibit or limit any individual who is credentialed under any law,
52 including attorneys, [~~rape~~] sexual battery crisis counselors, certified
53 alcoholism counselors and certified substance abuse counselors from
54 providing mental health services within their respective established
55 authorities.

1 § 45. Clause (ii) of subparagraph 2 of paragraph (c) of subdivision 22
2 of section 296 of the executive law, as added by chapter 176 of the laws
3 of 2019, is amended to read as follows:

4 (ii) Obtaining services from a domestic violence shelter, program, or
5 [~~rape~~] sexual battery crisis center as a result of domestic violence; or

6 § 46. Subdivision 1 and paragraph (a) of subdivision 13 of section 631
7 of the executive law, subdivision 1 as separately amended by chapters
8 189 and 295 of the laws of 2018 and paragraph (a) of subdivision 13 as
9 amended by section 3 of subpart S of part XX of chapter 55 of the laws
10 of 2020, are amended to read as follows:

11 1. No award shall be made unless the office finds that (a) a crime was
12 committed, (b) such crime directly resulted in personal physical injury
13 to or the exacerbation of a preexisting disability, or condition, or
14 death of, the victim, and (c) criminal justice agency records show that
15 such crime was promptly reported to the proper authorities; and in no
16 case may an award be made where the criminal justice agency records show
17 that such report was made more than one week after the occurrence of
18 such crime unless the office, for good cause shown, finds the delay to
19 have been justified. Notwithstanding the foregoing provisions of this
20 subdivision, in cases involving an alleged sex offense as contained in
21 article one hundred thirty of the penal law or incest as defined in
22 section 255.25, 255.26 or 255.27 of the penal law or labor trafficking
23 as defined in section 135.35 of the penal law or sex trafficking as
24 defined in sections 230.34 and 230.34-a of the penal law or an offense
25 chargeable as a family offense as described in section eight hundred
26 twelve of the family court act or section 530.11 of the criminal proce-
27 dure law, the criminal justice agency report need only be made within a
28 reasonable time considering all the circumstances, including the
29 victim's physical, emotional and mental condition and family situation.
30 For the purposes of this subdivision, "criminal justice agency" shall
31 include, but not be limited to, a police department, a district attor-
32 ney's office, and any other governmental agency having responsibility
33 for the enforcement of the criminal laws of the state provided, however,
34 that in cases involving such sex offense or family offense a criminal
35 justice agency shall also mean a family court, a governmental agency
36 responsible for child and/or adult protective services pursuant to title
37 six of article six of the social services law and/or title one of arti-
38 cle nine-B of the social services law, and any medical facility estab-
39 lished under the laws of the state that provides a forensic physical
40 examination for victims of [~~rape~~] sexual battery and sexual assault.

41 (a) Notwithstanding any other provision of law, rule, or regulation to
42 the contrary, when any New York state accredited hospital, accredited
43 sexual assault examiner program, or licensed health care provider
44 furnishes services to any sexual assault survivor, including but not
45 limited to a health care forensic examination in accordance with the sex
46 offense evidence collection protocol and standards established by the
47 department of health, such hospital, sexual assault examiner program, or
48 licensed healthcare provider shall provide such services to the person
49 without charge and shall bill the office directly. The office, in
50 consultation with the department of health, shall define the specific
51 services to be covered by the sexual assault forensic exam reimbursement
52 fee, which must include at a minimum forensic examiner services, hospi-
53 tal or healthcare facility services related to the exam, and any neces-
54 sary related laboratory tests or pharmaceuticals; including but not
55 limited to HIV post-exposure prophylaxis provided by a hospital emergen-
56 cy room at the time of the forensic [~~rape~~] sexual battery examination

1 pursuant to paragraph (c) of subdivision one of section twenty-eight
2 hundred five-i of the public health law. For a person eighteen years of
3 age or older, follow-up HIV post-exposure prophylaxis costs shall
4 continue to be reimbursed according to established office procedure. The
5 office, in consultation with the department of health, shall also gener-
6 ate the necessary regulations and forms for the direct reimbursement
7 procedure.

8 § 46-a. Subparagraph (i) of paragraph (c) of subdivision 1 of section
9 631 of the executive law, as added by chapter 84 of the laws of 2024, is
10 amended to read as follows:

11 (i) a governmental agency responsible for child and/or adult protec-
12 tive services pursuant to title six of article six of the social
13 services law and/or title one of article nine-B of the social services
14 law, and any medical facility established under the laws of the state
15 that provides a forensic physical examination for victims of [~~rape~~]
16 sexual battery and sexual assault; or

17 § 47. Paragraph (b) of subdivision 1 of section 641 of the executive
18 law, as added by chapter 94 of the laws of 1984, is amended to read as
19 follows:

20 (b) availability of appropriate public or private programs that
21 provide counseling, treatment or support for crime victims, including
22 but not limited to the following: [~~rape~~] sexual battery crisis centers,
23 victim/witness assistance programs, elderly victim services, victim
24 assistance hotlines and domestic violence shelters;

25 § 48. Subdivision 2-a of section 642 of the executive law, as amended
26 by chapter 301 of the laws of 1991, paragraph (a) as amended by chapter
27 320 of the laws of 2006, is amended to read as follows:

28 2-a. (a) All police departments, as that term is defined in subdivi-
29 sion a of section eight hundred thirty-seven-c of this chapter, district
30 attorneys' offices and presentment agencies, as that term is defined in
31 subdivision twelve of section 301.2 of the family court act, shall
32 provide a private setting for interviewing victims of a crime defined in
33 article one hundred thirty or section 255.25, 255.26 or 255.27 of the
34 penal law. For purposes of this subdivision, "private setting" shall
35 mean an enclosed room from which the occupants are not visible or other-
36 wise identifiable, and whose conversations cannot be heard, from outside
37 such room. Only (i) those persons directly and immediately related to
38 the interviewing of a particular victim, (ii) the victim, (iii) a social
39 worker, [~~rape~~] sexual battery crisis counselor, psychologist or other
40 professional providing emotional support to the victim, unless the
41 victim objects to the presence of such person and requests the exclusion
42 of such person from the interview, and (iv) where appropriate, the
43 parent or parents of the victim, if requested by the victim, shall be
44 present during the interview of the victim.

45 (b) All police departments, as that term is defined in subdivision a
46 of section eight hundred thirty-seven-c of this chapter, shall provide
47 victims of a crime defined in article one hundred thirty of the penal
48 law with the name, address, and telephone of the nearest [~~rape~~] sexual
49 battery crisis center in writing.

50 § 49. The opening paragraph of paragraph (a) of subdivision 4 of
51 section 840 of the executive law, as added by chapter 506 of the laws of
52 2011, is amended to read as follows:

53 (a) Develop, maintain and disseminate, in consultation with [~~rape~~]
54 sexual battery crisis centers experienced in assisting victims in this
55 state, written policies and procedures consistent with applicable
56 provisions of the family court act, domestic relations law, criminal

1 procedure law and the penal law, regarding the investigation of and
2 intervention by new and veteran police officers in crimes involving
3 sexual assault. Such policies and procedures shall make provisions for
4 education and training of new and veteran police officers in the inves-
5 tigation and enforcement of crimes involving sexual assault under state
6 law, including but not limited to:

7 § 50. The opening paragraph of subdivision (b) of section 117 of the
8 family court act, as amended by chapter 23 of the laws of 2024, is
9 amended to read as follows:

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

53 § 51. Subdivision 8 of section 301.2 of the family court act, as
54 amended by chapter 38 of the laws of 2022, is amended to read as
55 follows:

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

44 § 52. Subdivision 4 of section 308.1 of the family court act, as
45 amended by chapter 23 of the laws of 2024, is amended to read as
46 follows:

47 4. The probation service shall not adjust a case in which the child
48 has allegedly committed a delinquent act which would be a crime defined
49 in section 120.25, (reckless endangerment in the first degree), subdivi-
50 sion one of section 125.15, (manslaughter in the second degree), subdivi-
51 sions one, two and three of section 130.25, (~~rape~~] sexual battery in
52 the third degree), subdivision one of former section 130.40, subdivision
53 one or two of section 130.65, (sexual abuse in the first degree),
54 section 135.65, (coercion in the first degree), section 140.20,
55 (burglary in the third degree), section 150.10, (arson in the third
56 degree), section 160.05, (robbery in the third degree), subdivision two,

1 three or four of section 265.02, (criminal possession of a weapon in the
2 third degree), section 265.03, (criminal possession of a weapon in the
3 second degree), or section 265.04, (criminal possession of a dangerous
4 weapon in the first degree) of the penal law where the child has previ-
5 ously had one or more adjustments of a case in which such child alleged-
6 ly committed an act which would be a crime specified in this subdivision
7 unless it has received written approval from the court and the appropri-
8 ate presentment agency.

9 § 53. Paragraph (vii) of subdivision (a) of section 1046 of the family
10 court act, as amended by chapter 432 of the laws of 1993, is amended to
11 read as follows:

12 (vii) neither the privilege attaching to confidential communications
13 between [~~husband and wife~~] spouses, as set forth in section forty-five
14 hundred two of the civil practice law and rules, nor the physician-pa-
15 tient and related privileges, as set forth in section forty-five hundred
16 four of the civil practice law and rules, nor the psychologist-client
17 privilege, as set forth in section forty-five hundred seven of the civil
18 practice law and rules, nor the social worker-client privilege, as set
19 forth in section forty-five hundred eight of the civil practice law and
20 rules, nor the [~~rape~~] sexual battery crisis counselor-client privilege,
21 as set forth in section forty-five hundred ten of the civil practice law
22 and rules, shall be a ground for excluding evidence which otherwise
23 would be admissible.

24 § 54. Subparagraph 5 of paragraph a of subdivision 2 of section 654-a
25 of the general business law, as amended by chapter 17 of the laws of
26 2013, is amended to read as follows:

27 (5) the purchaser of a contract signed by more than one purchaser
28 provides to the operator a copy of any of the following, within six
29 months of its issuance, involving domestic violence by another signatory
30 of the same contract: (A) a valid domestic violence incident report form
31 as such term is defined in subdivision fifteen of section eight hundred
32 thirty-seven of the executive law; (B) a valid police report; (C) a
33 valid order of protection; or (D) a signed affidavit from a licensed
34 medical or mental health care provider, employee of a court acting with-
35 in the scope of [~~his or her~~] their employment, social worker, a [~~rape~~]
36 sexual battery crisis counselor as defined in section forty-five hundred
37 ten of the civil practice law and rules, or advocate acting on behalf of
38 an agency that assists domestic violence victims. Paragraph d of this
39 subdivision shall not apply to a purchaser canceling under this subpara-
40 graph. A claim for termination under this subparagraph shall be made in
41 good faith. Termination under this subparagraph shall require, and the
42 provision of any of the items in (A) through (D) of this subparagraph,
43 for the purposes of this subparagraph, shall be presumptive evidence of
44 the continued existence of a substantial risk of physical or emotional
45 harm to the purchaser or purchaser's child.

46 § 55. Section 4 of the judiciary law, as amended by chapter 23 of the
47 laws of 2024, is amended to read as follows:

48 § 4. Sittings of courts to be public. The sittings of every court
49 within this state shall be public, and every citizen may freely attend
50 the same, except that in all proceedings and trials in cases for
51 divorce, seduction, [~~rape~~] sexual battery, assault with intent to commit
52 [~~rape~~] sexual battery, bastardy, filiation, or a crime formerly defined
53 in sections 130.50, 130.45, and 130.40 of the penal law, the court may,
54 in its discretion, exclude therefrom all persons who are not directly
55 interested therein, excepting jurors, witnesses, and officers of the
56 court.

1 § 56. Clause (a) of subparagraph (iii) of paragraph a of subdivision 4
2 of section 196-b of the labor law, as added by section 1 of part J of
3 chapter 56 of the laws of 2020, is amended to read as follows:

4 (a) to obtain services from a domestic violence shelter, [~~rape~~] sexual
5 battery crisis center, or other services program;

6 § 57. Subdivision 15 of section 206 of the public health law, as added
7 by chapter 432 of the laws of 1993, is amended to read as follows:

8 15. (a) The commissioner shall promulgate rules and regulations which
9 establish:

10 (i) procedures to review and approve [~~rape~~] sexual battery crisis
11 programs that provide training to [~~rape~~] sexual battery crisis counse-
12 lers as defined in section four thousand five hundred ten of the civil
13 practice law and rules;

14 (ii) minimum training standards for [~~rape~~] sexual battery crisis coun-
15 selors;

16 (iii) procedures to enable approved [~~rape~~] sexual battery crisis
17 programs to certify current and future [~~rape~~] sexual battery crisis
18 counselors, including volunteer counselors, provided such [~~rape~~] sexual
19 battery crisis counselors have met the minimum training standards as set
20 forth in this subdivision; and

21 (iv) procedures to periodically review approved training programs to
22 assure they continue to satisfy established standards.

23 (b) [~~Rape~~] Sexual battery crisis programs approved by the commissioner
24 shall provide training programs consisting of at least thirty hours of
25 pre-service training and within the first year of service at least ten
26 hours of in-service training for [~~rape~~] sexual battery crisis counse-
27 lers. This training shall include but not be limited to, instruction on
28 the following:

29 (i) the dynamics of sexual offenses, sexual abuses or incest;

30 (ii) crisis intervention techniques;

31 (iii) client-counselor confidentiality requirements;

32 (iv) communication skills and intervention techniques;

33 (v) an overview of the state criminal justice system;

34 (vi) an update and review of state laws on sexual offenses, sexual
35 abuse or incest;

36 (vii) the availability of state and community resources for clients;

37 (viii) working with a diverse population;

38 (ix) an overview of child abuse and maltreatment identification and
39 reporting responsibilities; and

40 (x) information on the availability of medical and legal assistance
41 for such clients.

42 (c) The department shall provide technical assistance to approved
43 [~~rape~~] sexual battery crisis programs to implement training programs in
44 accordance with the minimum standards set forth in this subdivision.

45 § 58. The article heading of article 6-A of the public health law, as
46 added by chapter 1 of the laws of 2000, is amended to read as follows:

47 [~~RAPE~~] SEXUAL BATTERY CRISIS INTERVENTION AND PREVENTION
48 PROGRAM

49 § 59. Section 695 of the public health law, as added by chapter 1 of
50 the laws of 2000, is amended to read as follows:

51 § 695. Short title. This article shall be known and may be cited as
52 the [~~rape~~] "sexual battery crisis intervention and prevention act of
53 two thousand".

54 § 60. Subdivisions 1, 5, 6, 7, 8 and 9 of section 695-a of the public
55 health law, as added by chapter 1 of the laws of 2000 and subdivision 9

1 as amended by chapter 264 of the laws of 2003, are amended to read as
2 follows:

3 1. [~~rape~~] "Sexual battery crisis intervention and prevention program"
4 means any program which has been approved by the department offering
5 counseling and assistance to clients concerning sex offenses, sexual
6 abuse, or incest.

7 5. "Client" means any person seeking or receiving the services of a
8 [~~rape~~] sexual battery crisis counselor for the purpose of securing coun-
9 seling or assistance concerning any sex offense, sexual abuse, incest,
10 or attempt to commit a sex offense, sexual abuse, or incest.

11 6. "Hotline" means twenty-four-hour access to [~~rape~~] sexual battery
12 crisis intervention and prevention services including telephone hotline
13 and telephone counseling capabilities.

14 7. "Community prevention" means public education projects designed to
15 encourage victim use of [~~rape~~] sexual battery crisis intervention
16 services, educating the general public about the availability and
17 significance of [~~rape~~] sexual battery crisis intervention services,
18 providing sex offense, sexual abuse or incest prevention and personal
19 safety information, providing other education programs which sensitize
20 service providers and the general public about the nature of sex
21 offenses, sexual abuse or incest and the needs of survivors of a sex
22 offense, sexual abuse or incest. "Community prevention" also means and
23 includes public education projects designed to teach the general public
24 about the problem of acquaintance [~~rape~~] sexual battery, including but
25 not limited to: (a) the importance of promptly respecting the decision
26 of another person not to engage in sexual conduct; and (b) the right of
27 every individual to make such a decision and have it respected.

28 8. "Recruitment and training programs" means programs designed to
29 recruit and train staff or volunteers in a [~~rape~~] sexual battery crisis
30 intervention and prevention program as well as training or education to
31 other agencies participating in a community support system.

32 9. "Accompaniment services" means services that assure the presence of
33 a trained [~~rape~~] sexual battery crisis worker to assist and support the
34 client, at hospitals, law enforcement agencies, district attorneys'
35 offices, courts and other agencies.

36 § 61. Subdivision 1 of section 695-b of the public health law, as
37 added by chapter 1 of the laws of 2000, is amended to read as follows:

38 1. The department is hereby authorized to contract, within amounts
39 appropriated, for the provision of [~~rape~~] sexual battery crisis inter-
40 vention and prevention programs as provided herein. Rules, regulations
41 and guidelines as shall be necessary or appropriate to assure successful
42 implementation of this program shall be promulgated by the department.

43 § 62. Paragraph (b) of subdivision 1, subdivision 3, subparagraph 3 of
44 paragraph (a) and subparagraph 3 of paragraph (b) of subdivision 4-b,
45 subdivision 5, and subparagraph 1 of paragraph (a) of subdivision 6 of
46 section 2805-i of the public health law, paragraph (b) of subdivision 1
47 as separately amended by section 1 of subpart S and section 2 of subpart
48 A of part XX of chapter 55 of the laws of 2020, subdivision 3 as amended
49 by chapter 504 of the laws of 1994, subparagraph 3 of paragraph (a) of
50 subdivision 4-b as added and subdivision 5 as amended by chapter 1 of
51 the laws of 2000, subparagraph 3 of paragraph (b) of subdivision 4-b as
52 amended by section 3 and subparagraph 1 of paragraph (a) of subdivision
53 6 as amended by section 4 of subpart A of part XX of chapter 55 of the
54 laws of 2020, are amended to read as follows:

55 (b) informing sexual offense victims of the availability of [~~rape~~]
56 sexual battery crisis and local victim assistance organizations, if any,

1 in the geographic area served by the hospital, and contacting a [~~rape~~]
2 sexual battery crisis or local victim assistance organization to estab-
3 lish the coordination of non-medical services, including but not limited
4 to transportation within the geographic area served by that organiza-
5 tion, upon the conclusion of initial medical services, free of charge
6 from the medical facility to sexual offense victims who request such
7 coordination and services;

8 3. Upon admittance or commencement of treatment of the alleged sexual
9 offense victim, the hospital shall advise the victim of the availability
10 of the services of a local [~~rape~~] sexual battery crisis or victim
11 assistance organization, if any, to accompany the victim through the
12 sexual offense examination. If after receiving such advice the sexual
13 offense victim wishes the presence of a [~~rape~~] sexual battery crisis or
14 victim assistance advocate, the hospital shall contact the appropriate
15 organization and request that one be provided, provided, however, that
16 if in the professional judgment of the treating practitioner a delay in
17 treatment is detrimental to the provision of medical treatment, then
18 examination or treatment need not be delayed pending the arrival of such
19 advocate and further provided that the presence or continued presence of
20 such advocate does not interfere with the provision of necessary medical
21 care to the victim.

22 (3) the capacity of the hospital site to coordinate services for
23 victims of sexual offenses including medical treatment, [~~rape~~] sexual
24 battery crisis counseling, psychological support, law enforcement
25 assistance and forensic evidence collection;

26 (3) Promptly after the examination is completed, the victim shall be
27 permitted to shower, be provided with a change of clothing, be informed
28 that a [~~rape~~] sexual battery crisis or victim assistance organization
29 providing victim assistance to the geographic area served by that hospi-
30 tal is available to provide transportation within the geographic area
31 served by that organization, upon the conclusion of initial medical
32 services, free of charge from the medical facility, and receive follow-
33 up information, counseling, medical treatment and referrals for same.

34 5. The commissioner shall promulgate such rules and regulations as may
35 be necessary and proper to carry out effectively the provisions of this
36 section. Prior to promulgating such rules and regulations, the commis-
37 sioner shall consult with relevant police agencies, forensic laborato-
38 ries, [~~rape~~] sexual battery crisis centers, hospitals, and other such
39 persons as the commissioner deems necessary. Such rules and regulations
40 shall identify the offenses subject to the provisions of this section,
41 provide a specific definition of sexual offense evidence and require
42 each hospital to contact its local police agency and forensic laboratory
43 to determine their specific needs or requirements.

44 (1) consult with a local [~~rape~~] sexual battery crisis or local victim
45 assistance organization, to have a representative of such organization
46 accompany the victim through the sexual offense examination, to have
47 such an organization be summoned by the medical facility, police agency,
48 prosecutorial agency or other law enforcement agency before the
49 commencement of the physical examination or interview, pursuant to this
50 section, and to have such organization provide transportation within the
51 geographic area served by that organization, free of charge from the
52 medical facility to sexual offense victims who request such services
53 upon discharge;

54 § 63. Section 2805-p of the public health law, as added by chapter 625
55 of the laws of 2003, is amended to read as follows:

1 § 2805-p. Emergency treatment of [~~rape~~] sexual battery survivors. 1.
2 As used in this section:

3 (a) "Emergency contraception" shall mean one or more prescription
4 drugs used separately or in combination to be administered or self-ad-
5 ministered by a patient to prevent pregnancy within a medically recom-
6 mended amount of time after sexual intercourse and dispensed for that
7 purpose in accordance with professional standards of practice and deter-
8 mined by the United States Food and Drug Administration to be safe.

9 (b) "Emergency treatment" shall mean any medical examination or treat-
10 ment provided by a hospital to a [~~rape~~] sexual battery survivor follow-
11 ing an alleged [~~rape~~] sexual battery.

12 (c) [~~"Rape"~~] "Sexual battery" shall mean any act defined in section
13 130.25, 130.30 or 130.35 of the penal law.

14 (d) [~~"Rape"~~] "Sexual battery survivor" or "survivor" shall mean any
15 [~~female~~] person who alleges or is alleged to have been [~~raped~~] sexually
16 battered and who presents as a patient.

17 2. Every hospital providing emergency treatment to a [~~rape~~] sexual
18 battery survivor shall promptly:

19 (a) provide such survivor with written information prepared or
20 approved, pursuant to subdivision three of this section, relating to
21 emergency contraception;

22 (b) orally inform such survivor of the availability of emergency
23 contraception, its use and efficacy; and

24 (c) provide emergency contraception to such survivor, unless contrain-
25 dicated, upon [~~her~~] such survivor's request. No hospital may be required
26 to provide emergency contraception to a [~~rape~~] sexual battery survivor
27 who is pregnant.

28 3. The commissioner shall develop, prepare and produce informational
29 materials relating to emergency contraception for distribution to and
30 use in all hospitals in the state, in quantities sufficient to comply
31 with the requirements of this section. The commissioner may also approve
32 informational materials from medically recognized sources for the
33 purposes of this section. Such informational material shall be in clear
34 and concise language, readily comprehensible, in such varieties and
35 forms as the commissioner shall deem necessary to inform survivors in
36 English and languages other than English. Such materials shall explain
37 the nature of emergency contraception including its use and efficacy.

38 4. The commissioner shall promulgate all such rules and regulations as
39 may be necessary and proper to implement the provisions of this section.

40 § 64. Paragraph (b) of subdivision 20 of section 131 of the social
41 services law, as added by chapter 427 of the laws of 2009, is amended to
42 read as follows:

43 (b) [~~rape~~] sexual battery crisis centers; and

44 § 65. Clause (A) of subparagraph 1 of paragraph (e) of subdivision 2
45 of section 378-a of the social services law, as amended by chapter 92 of
46 the laws of 2021, is amended to read as follows:

47 (A) a felony conviction at any time involving: (i) child abuse or
48 neglect; (ii) spousal abuse; (iii) a crime against a child, including
49 child pornography; or (iv) a crime involving violence, including [~~rape~~]
50 sexual battery, sexual assault, or homicide, other than a crime involv-
51 ing physical assault or battery; or

52 § 66. Paragraph (a) of subdivision 1 of section 384-c of the social
53 services law, as amended by chapter 828 of the laws of 2022, is amended
54 to read as follows:

55 (a) [~~rape~~] sexual battery in first or second degree;

1 § 67. Section 6-125 of the administrative code of the city of New
2 York, as added by local law number 26 of the city of New York for the
3 year 2003, is amended to read as follows:

4 § 6-125. Sexual battery victim treatments. a. For the purposes of this
5 section only, the following terms shall have the following meanings:

6 (1) "City agency" means a city, county, borough, administration,
7 department, division bureau, board or commission, or a corporation,
8 institution or agency of government the expenses of which are paid in
9 whole or in part from the city treasury, but shall not include the
10 health and hospitals corporation.

11 (2) "Covered agreement" means any agreement, including but not limited
12 to, memoranda of understanding, and excluding contracts, entered into on
13 or after the effective date of the local law that added this section,
14 between a hospital and a city agency.

15 (3) "Covered contract" means any contract entered into on or after the
16 effective date of the local law that added this section, between a
17 hospital and a city agency.

18 (4) "Emergency contraception" shall mean one or more prescription
19 drugs, used separately or in combination, to be administered to or self-
20 administered by a patient in a dosage and manner intended to prevent
21 pregnancy when used within a medically recommended amount of time
22 following sexual intercourse and dispensed for that purpose in accord-
23 ance with professional standards of practice, and which has been found
24 safe and effective for such use by the United States food and drug
25 administration.

26 (5) "Hospital" means any facility operating pursuant to article 28 of
27 the public health law which provides emergency medical care.

28 (6) [~~rape~~] "Sexual battery victim" means any [~~female~~] person who
29 alleges or is alleged to have been [~~raped~~] sexually battered and
30 presents to a hospital.

31 b. No city agency shall enter into a covered agreement or covered
32 contract with any hospital that does not contain a provision whereby
33 such hospital agrees to inform [~~rape~~] sexual battery victims presenting
34 to its emergency department of the availability of emergency contracep-
35 tion and, if requested, to administer, if medically appropriate, such
36 contraception in a timely manner.

37 c. No city agency shall enter into a covered agreement or covered
38 contract with any hospital that does not contain a provision whereby
39 such hospital agrees to provide the department of health and mental
40 hygiene, on an annual basis, a report indicating the following informa-
41 tion with respect to each reporting period: i) the number of [~~rape~~]
42 sexual battery victims treated in such hospital's emergency department;
43 ii) the number of [~~rape~~] sexual battery victims treated in such hospi-
44 tal's emergency department which were offered emergency contraception;
45 iii) the number of [~~rape~~] sexual battery victims treated in such hospi-
46 tal's emergency department for whom the administration of emergency
47 contraception was not medically indicated and a brief explanation of the
48 contraindication; and iv) the number of times emergency contraception
49 was accepted or declined by a [~~rape~~] sexual battery victim treated in
50 such hospital's emergency department.

51 d. No city agency shall enter into a covered agreement or covered
52 contract with any hospital that does not contain a provision whereby
53 such hospital agrees to provide the department of health and mental
54 hygiene with a copy of its protocol for treatment of victims of sexual
55 assault, which hospitals are required to establish pursuant to section
56 405.19 of title 10 of the codes, rules and regulations of the state of

1 New York; provided however, that such hospital shall be required to
2 provide such protocol upon amendment or renewal of a covered agreement
3 or covered contract only if such protocol has been amended since the
4 date such hospital initially entered into such covered agreement or
5 covered contract.

6 e. A hospital shall be liable for a civil penalty of not less than
7 five thousand dollars upon a determination that such hospital has been
8 found, through litigation or arbitration, to have made a false claim
9 with respect to its provision of information to [~~rape~~] sexual battery
10 victims regarding the availability of emergency contraception or its
11 provision of emergency contraception, if medically indicated, to [~~rape~~]
12 sexual battery victims in a timely manner.

13 § 68. Paragraphs 22, 23 and 24 of subdivision b and paragraph 8 of
14 subdivision c of section 9-156 of the administrative code of the city of
15 New York, as added by local law number 21 of the city of New York for
16 the year 2019, are amended to read as follows:

17 22. Whether a [~~rape~~] sexual battery kit was administered, declined or
18 not applicable;

19 23. If a [~~rape~~] sexual battery kit was deemed not applicable, whether
20 that determination was the result of a delay in reporting, due to the
21 type of abuse alleged to have occurred, or any other reason;

22 24. Whether a sexual assault nurse examiner or sexual assault response
23 team was present during the administration of a [~~rape~~] sexual battery
24 kit; and

25 8. Whether the alleged victim was referred to trauma or [~~rape~~] sexual
26 battery crisis services following the incident and if the victim
27 accepted or declined such services while in custody;

28 § 69. Paragraph 2 of subdivision a of section 14-150 of the adminis-
29 trative code of the city of New York, as amended by local law number 29
30 of the city of New York for the year 2024, is amended to read as
31 follows:

32 2. A crime status report. Such report shall include the total number
33 of crime complaints (categorized by class of crime, indicating whether
34 the crime is a misdemeanor or felony) for each patrol precinct, includ-
35 ing a subset of housing bureau and transit bureau complaints within each
36 precinct; arrests (categorized by class of crime, indicating whether the
37 arrest is for a misdemeanor or felony) for each patrol precinct, housing
38 police service area, transit district, street crime unit and narcotics
39 division; summons activity (categorized by type of summons, indicating
40 whether the summons is a parking violation, moving violation, environ-
41 mental control board notice of violation, or criminal summons) for each
42 patrol precinct, housing police service area and transit district;
43 domestic violence radio runs for each patrol precinct; average response
44 time for critical and serious crimes in progress for each patrol
45 precinct. Such report shall also include the total number of complaints
46 of all sex offenses as defined in article 130 of the [~~New York state~~]
47 penal law, in total and disaggregated by the following offenses: [~~rape~~]
48 sexual battery as defined in sections 130.25, 130.30, and 130.35; crimi-
49 nal sexual act as defined in sections 130.40, 130.45, and 130.50; misde-
50 meanor sex offenses as defined in sections 130.20, 130.52, 130.55, and
51 130.60; sexual abuse as defined in sections 130.65, 130.65-a, 130.66,
52 130.67, and 130.70; course of sexual conduct against a child as defined
53 in sections 130.75 and 130.80; and predatory sexual assault as defined
54 in sections 130.95 and 130.96. Such report shall also include the total
55 number of major felony crime complaints for all properties under the
56 jurisdiction of the department of parks and recreation.

1 § 70. Paragraph 3 of subdivision a of section 14-161 of the adminis-
2 trative code of the city of New York, as added by local law number 110
3 of the city of New York for the year 2016, is amended to read as
4 follows:

5 3. the number of reported [~~rapes~~] sexual batteries related to domestic
6 violence;

7 § 71. Paragraph 2 of subdivision b of section 14-171 of the adminis-
8 trative code of the city of New York, as added by local law number 42 of
9 the city of New York for the year 2018, is amended to read as follows:

10 2. [~~Rape~~] Sexual battery as defined in article 130 of the penal law;

11 § 72. Subdivision b of section 14-180 of the administrative code of
12 the city of New York, as added by local law number 194 of the city of
13 New York for the year 2018, is amended to read as follows:

14 b. Special victims training program. The department, after considering
15 information from outside experts, shall develop and implement a victim-
16 centered special victims training program designed to develop skills
17 related to the investigation of sexual crimes and the specific needs of
18 victims of sexual crimes. The curriculum shall consider nationally
19 recognized best practices and factors contributing to the additional
20 complexity of sexual assault investigations including the depth of
21 victimization, the negative social consequences of sexual assault, the
22 trauma and neurobiological damage inflicted by sexual assault, the
23 complexity of victim management, the falsity or partially truthful
24 disclosure of complaints, the large unreported rate of sexual assaults
25 and any other training deemed relevant to sexual assault cases by the
26 commissioner. Such program shall include the following training compo-
27 nents: the Forensic Experiential Trauma Interview method, specialized
28 investigative training for sexual assault cases including non-stranger
29 sexual assault and controlled communications, district attorney based
30 training related to legal evidentiary standards and penal law article
31 130 crimes, Sexual Assault Forensic Examiner training, Sex Offender
32 Registration Act training, hospital based training, victim advocate
33 based training and any other training courses currently offered by the
34 NYPD for special victims investigators including but not limited to DNA
35 evidence, investigation of complex cases, drug-facilitated sexual
36 assault, neurobiology of sexual assault, [~~rape~~] sexual battery crisis
37 counselor training, peer based investigative process training, abusive
38 head trauma training and any other training deemed relevant to sexual
39 assault cases by the commissioner, except that the commissioner may
40 eliminate a training component or replace a training component with an
41 alternative component in order to provide comprehensive victim-centered
42 training. Such program shall include a proficiency examination or demon-
43 stration for each training component and shall be of a length the
44 commissioner determines is sufficient to ensure that special victims
45 investigators are capable of utilizing such skills.

46 § 73. Subparagraph (a) of paragraph 1 of subdivision b of section
47 20-914 of the administrative code of the city of New York, as amended by
48 local law number 97 of the city of New York for the year 2020, is
49 amended to read as follows:

50 (a) to obtain services from a domestic violence shelter, [~~rape~~] sexual
51 battery crisis center, or other shelter or services program for relief
52 from a family offense matter, sexual offense, stalking, or human traf-
53 ficking;

54 § 74. This act shall take effect immediately; provided, however,
55 section forty-six-a of this act shall take effect on the same date and
56 in the same manner as chapter 84 of the laws of 2024, takes effect.