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Cal. No. 209

2021-2022 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. CRUZ, GRIFFIN, BURDICK, TAYLOR, BARNWELL, ZEBROW-SKI, DINOWITZ, VANEL, SIMON, BURGOS, L. ROSENTHAL, GONZALEZ-ROJAS, PERRY, JACOBSON, OTIS, PRETLOW, STIRPE, FERNANDEZ, CLARK, GLICK, BICHOTTE HERMELYN, LAVINE -- read once and referred to the Committee on Codes -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, the criminal procedure law, the correction law, the social services law, the vehicle and traffic law, the family court act, the civil rights law, the civil practice law and rules, the agriculture and markets law, the judiciary law and the domestic relations law, in relation to sex offenses; and to repeal certain provisions of the penal law relating thereto

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

- 1 Section 1. Sections 130.40, 130.45 and 130.50 of the penal law are
- 2 REPEALED.
- 3 § 2. Subdivisions 1 and 2 of section 130.00 of the penal law, subdivi-
- 4 sion 2 as amended by chapter 264 of the laws of 2003, are amended to
- 5 read as follows:
- 6 1. "[~~Sexual intercourse~~] Vaginal sexual contact" [~~has its ordinary~~
- 7 ~~meaning and occurs upon any penetration, however slight~~] means conduct
- 8 between persons consisting of contact between the penis and the vagina
- 9 or vulva.
- 10 2. (a) "Oral sexual [~~conduct~~] contact" means conduct between persons
- 11 consisting of contact between the mouth and the penis, the mouth and the
- 12 anus, or the mouth and the vulva or vagina.
- 13 (b) "Anal sexual [~~conduct~~] contact" means conduct between persons
- 14 consisting of contact between the penis and anus.
- 15 § 3. Section 130.25 of the penal law, as amended by chapter 1 of the
- 16 laws of 2000, is amended to read as follows:
- 17 § 130.25 Rape in the third degree.

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

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1 A person is guilty of rape in the third degree when:

2 1. He or she engages in [~~sexual intercourse~~] vaginal sexual contact
3 with another person who is incapable of consent by reason of some factor
4 other than being less than seventeen years old;

5 2. He or she engages in oral sexual contact with another person who is
6 incapable of consent by reason of some factor other than being less than
7 seventeen years old;

8 3. He or she engages in anal sexual contact with another person who is
9 incapable of consent by reason of some other factor other than being
10 less than seventeen years old;

11 4. Being twenty-one years old or more, he or she engages in [~~sexual~~
12 ~~intercourse~~] vaginal sexual contact with another person less than seven-
13 teen years old; [~~or~~

14 ~~3-]~~ 5. Being twenty-one years old or more, he or she engages in oral
15 sexual contact with another person less than seventeen years old;

16 6. Being twenty-one years old or more, he or she engages in anal sexu-
17 al contact with another person less than seventeen years old;

18 7. He or she engages in [~~sexual intercourse~~] vaginal sexual contact
19 with another person without such person's consent where such lack of
20 consent is by reason of some factor other than incapacity to consent[~~7-]~~;

21 8. He or she engages in oral sexual contact with another person with-
22 out such person's consent where such lack of consent is by reason of
23 some factor other than incapacity to consent; or

24 9. He or she engages in anal sexual contact with another person with-
25 out such person's consent where such lack of consent is by reason of
26 some factor other than the incapacity to consent.

27 Rape in the third degree is a class E felony.

28 § 4. Section 130.30 of the penal law, as amended by chapter 1 of the
29 laws of 2000, is amended to read as follows:

30 § 130.30 Rape in the second degree.

31 A person is guilty of rape in the second degree when:

32 1. being eighteen years old or more, he or she engages in [~~sexual~~
33 ~~intercourse~~] vaginal sexual contact with another person less than
34 fifteen years old; [~~or~~]

35 2. being eighteen years old or more, he or she engages in oral sexual
36 contact with another person less than fifteen years old;

37 3. being eighteen years old or more, he or she engages in anal sexual
38 contact with another person less than fifteen years old;

39 4. he or she engages in [~~sexual intercourse~~] vaginal sexual contact
40 with another person who is incapable of consent by reason of being
41 mentally disabled or mentally incapacitated[~~7-]~~;

42 5. he or she engages in oral sexual contact with another person who is
43 incapable of consent by reason of being mentally disabled or mentally
44 incapacitated; or

45 6. he or she engages in anal sexual contact with another person who is
46 incapable of consent by reason of being mentally disabled or mentally
47 incapacitated.

48 It shall be an affirmative defense to the crime of rape in the second
49 degree as defined in [~~subdivision~~] subdivisions one, two and three of
50 this section that the defendant was less than four years older than the
51 victim at the time of the act.

52 Rape in the second degree is a class D felony.

53 § 5. Section 130.35 of the penal law, as amended by chapter 1 of the
54 laws of 2000, is amended to read as follows:

55 § 130.35 Rape in the first degree.

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

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1 1. he or she engages in ~~[sexual intercourse]~~ vaginal sexual contact
 2 with another person:
 3 ~~[(1)]~~ (a) By forcible compulsion; or
 4 ~~[(2)]~~ (b) Who is incapable of consent by reason of being physically
 5 helpless; or
 6 ~~[(3)]~~ (c) Who is less than eleven years old; or
 7 ~~[(4)]~~ (d) Who is less than thirteen years old and the actor is eighteen
 8 years old or more~~[-]~~;

9 2. he or she engages in oral sexual contact with another person:
 10 (a) By forcible compulsion; or
 11 (b) Who is incapable of consent by reason of being physically help-
 12 less; or
 13 (c) Who is less than eleven years old; or
 14 (d) Who is less than thirteen years old and the actor is eighteen
 15 years old or more; or

16 3. he or she engages in anal sexual contact with another person:
 17 (a) By forcible compulsion; or
 18 (b) Who is incapable of consent by reason of being physically help-
 19 less; or
 20 (c) Who is less than eleven years old; or
 21 (d) Who is less than thirteen years old and the actor is eighteen
 22 years old or more.

23 Rape in the first degree is a class B felony.
 24 § 6. Paragraph 2 of subdivision 18 of section 10.00 of the penal law,
 25 as amended by chapter 7 of the laws of 2007, is amended to read as
 26 follows:
 27 (2) a person fourteen or fifteen years old who is criminally responsi-
 28 ble for acts constituting the crimes defined in subdivisions one and two
 29 of section 125.25 (murder in the second degree) and in subdivision three
 30 of such section provided that the underlying crime for the murder charge
 31 is one for which such person is criminally responsible; section 135.25
 32 (kidnapping in the first degree); 150.20 (arson in the first degree);
 33 subdivisions one and two of section 120.10 (assault in the first
 34 degree); 125.20 (manslaughter in the first degree); ~~[subdivisions one~~
 35 ~~and] paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b)~~
 36 ~~of subdivision two, and paragraphs (a) and (b) of subdivision three of~~
 37 ~~section 130.35 (rape in the first degree); [subdivisions one and two of~~
 38 ~~section 130.50 (criminal sexual act in the first degree);] 130.70~~
 39 (aggravated sexual abuse in the first degree); 140.30 (burglary in the
 40 first degree); subdivision one of section 140.25 (burglary in the second
 41 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
 42 first degree); subdivision two of section 160.10 (robbery in the second
 43 degree) of this chapter; or section 265.03 of this chapter, where such
 44 machine gun or such firearm is possessed on school grounds, as that
 45 phrase is defined in subdivision fourteen of section 220.00 of this
 46 chapter; or defined in this chapter as an attempt to commit murder in
 47 the second degree or kidnapping in the first degree, or such conduct as
 48 a sexually motivated felony, where authorized pursuant to section 130.91
 49 of ~~[the penal law]~~ this chapter.

50 § 7. Subdivision 2 of section 30.00 of the penal law, as amended by
 51 section 38 of part WWW of chapter 59 of the laws of 2017, is amended to
 52 read as follows:
 53 2. A person thirteen, fourteen or, fifteen years of age is criminally
 54 responsible for acts constituting murder in the second degree as defined
 55 in subdivisions one and two of section 125.25 and in subdivision three
 56 of such section provided that the underlying crime for the murder charge

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

23 § 8. Paragraph (b) of subdivision 2 of section 35.15 of the penal law,
 24 as amended by chapter 511 of the laws of 2004, is amended to read as
 25 follows:

26 (b) He or she reasonably believes that such other person is committing
 27 or attempting to commit a kidnapping, forcible rape, forcible ~~[criminal~~
 28 ~~sexual act]~~ aggravated sexual abuse, or robbery; or

29 § 9. Paragraph (c) of subdivision 1 of section 70.02 of the penal law,
 30 as amended by chapter 134 of the laws of 2019, is amended to read as
 31 follows:

32 (c) Class D violent felony offenses: an attempt to commit any of the
 33 class C felonies set forth in paragraph (b); reckless assault of a child
 34 as defined in section 120.02, assault in the second degree as defined in
 35 section 120.05, menacing a police officer or peace officer as defined in
 36 section 120.18, stalking in the first degree, as defined in subdivision
 37 one of section 120.60, strangulation in the second degree as defined in
 38 section 121.12, rape in the second degree as defined in section 130.30,
 39 ~~[criminal sexual act in the second degree as defined in section 130.45,]~~
 40 sexual abuse in the first degree as defined in section 130.65, course of
 41 sexual conduct against a child in the second degree as defined in
 42 section 130.80, aggravated sexual abuse in the third degree as defined
 43 in section 130.66, facilitating a sex offense with a controlled
 44 substance as defined in section 130.90, labor trafficking as defined in
 45 paragraphs (a) and (b) of subdivision three of section 135.35, criminal
 46 possession of a weapon in the third degree as defined in subdivision
 47 five, six, seven, eight, nine or ten of section 265.02, criminal sale of
 48 a firearm in the third degree as defined in section 265.11, intimidating
 49 a victim or witness in the second degree as defined in section 215.16,
 50 soliciting or providing support for an act of terrorism in the second
 51 degree as defined in section 490.10, and making a terroristic threat as
 52 defined in section 490.20, falsely reporting an incident in the first
 53 degree as defined in section 240.60, placing a false bomb or hazardous
 54 substance in the first degree as defined in section 240.62, placing a
 55 false bomb or hazardous substance in a sports stadium or arena, mass
 56 transportation facility or enclosed shopping mall as defined in section

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1 240.63, aggravated unpermitted use of indoor pyrotechnics in the first
 2 degree as defined in section 405.18, and criminal manufacture, sale, or
 3 transport of an undetectable firearm, rifle or shotgun as defined in
 4 section 265.50.

5 § 10. Paragraph b of subdivision 5 of section 120.40 of the penal law,
 6 as amended by chapter 320 of the laws of 2006, is amended to read as
 7 follows:

8 b. a crime defined in section 130.20, 130.25, 130.30, [~~130.40,~~
 9 ~~130.45~~] 130.55, 130.60, 130.70, 255.25, 255.26 or 255.27;

10 § 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision
 11 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as
 12 amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivi-
 13 sion 3 as amended by section 2 of part G of chapter 501 of the laws of
 14 2012, are amended to read as follows:

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

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

32 § 12. The opening paragraph of subdivision 3 of section 125.25 of the
 33 penal law, as amended by chapter 264 of the laws of 2003, is amended to
 34 read as follows:

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

45 § 13. Subdivision 5 of section 125.25 of the penal law, as amended by
 46 chapter 320 of the laws of 2006, is amended to read as follows:

47 5. Being eighteen years old or more, while in the course of committing
 48 rape in the first, second or third degree, [~~criminal sexual act in the~~
 49 ~~first, second or third degree,~~] sexual abuse in the first degree, aggra-
 50 vated sexual abuse in the first, second, third or fourth degree, or
 51 incest in the first, second or third degree, against a person less than
 52 fourteen years old, he or she intentionally causes the death of such
 53 person.

54 § 14. Subparagraph (vii) of paragraph (a) of subdivision 1 of section
 55 125.27 of the penal law, as amended by chapter 264 of the laws of 2003,
 56 is amended to read as follows:

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(vii) the victim was killed while the defendant was in the course of committing or attempting to commit and in furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, rape in the first degree, ~~[criminal sexual act in the first degree,]~~ sexual abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree, or in the course of and furtherance of immediate flight after committing or attempting to commit any such crime or in the course of and furtherance of immediate flight after attempting to commit the crime of murder in the second degree; provided however, the victim is not a participant in one of the aforementioned crimes and, provided further that, unless the defendant's criminal liability under this subparagraph is based upon the defendant having commanded another person to cause the death of the victim or intended victim pursuant to section 20.00 of this chapter, this subparagraph shall not apply where the defendant's criminal liability is based upon the conduct of another pursuant to section 20.00 of this chapter; or

§ 15. Subdivision 3 of section 130.10 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

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

§ 16. The opening paragraph and subdivision 2 of section 130.95 of the penal law, as added by chapter 107 of the laws of 2006, are amended to read as follows:

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, ~~[criminal sexual act in the first degree,]~~ aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

2. He or she has engaged in conduct constituting the crime of rape in the first degree, ~~[criminal sexual act in the first degree,]~~ aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or

§ 17. The opening paragraph of section 130.96 of the penal law, as added by chapter 107 of the laws of 2006, is amended to read as follows:

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, ~~[criminal sexual act in the first degree,]~~ aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

§ 18. Subdivision 2 of section 240.75 of the penal law, as amended by section 8 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

2. A "specified offense" is an offense defined in section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.13

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1 (menacing in the first degree); section 120.14 (menacing in the second
 2 degree); section 120.15 (menacing in the third degree); section 120.20
 3 (reckless endangerment in the second degree); section 120.25 (reckless
 4 endangerment in the first degree); section 120.45 (stalking in the
 5 fourth degree); section 120.50 (stalking in the third degree); section
 6 120.55 (stalking in the second degree); section 120.60 (stalking in the
 7 first degree); section 121.11 (criminal obstruction of breathing or
 8 blood circulation); section 121.12 (strangulation in the second degree);
 9 section 121.13 (strangulation in the first degree); subdivision one of
 10 section 125.15 (manslaughter in the second degree); subdivision one, two
 11 or four of section 125.20 (manslaughter in the first degree); section
 12 125.25 (murder in the second degree); section 130.20 (sexual miscon-
 13 duct); **section 130.25 (rape in the third degree)**; section 130.30 (rape
 14 in the second degree); section 130.35 (rape in the first degree);
 15 section 130.40 (criminal sexual act in the third degree); section 130.45
 16 (criminal sexual act in the second degree); section 130.50 (criminal
 17 sexual act in the first degree); section 130.52 (forcible touching);
 18 section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse
 19 in the third degree); section 130.60 (sexual abuse in the second
 20 degree); section 130.65 (sexual abuse in the first degree); section
 21 130.66 (aggravated sexual abuse in the third degree); section 130.67
 22 (aggravated sexual abuse in the second degree); section 130.70 (aggra-
 23 vated sexual abuse in the first degree); section 130.91 (sexually moti-
 24 vated felony); section 130.95 (predatory sexual assault); section 130.96
 25 (predatory sexual assault against a child); section 135.05 (unlawful
 26 imprisonment in the second degree); section 135.10 (unlawful imprison-
 27 ment in the first degree); section 135.60 (coercion in the third
 28 degree); section 135.61 (coercion in the second degree); section 135.65
 29 (coercion in the first degree); section 140.20 (burglary in the third
 30 degree); section 140.25 (burglary in the second degree); section 140.30
 31 (burglary in the first degree); section 145.00 (criminal mischief in the
 32 fourth degree); section 145.05 (criminal mischief in the third degree);
 33 section 145.10 (criminal mischief in the second degree); section 145.12
 34 (criminal mischief in the first degree); section 145.14 (criminal
 35 tampering in the third degree); section 215.50 (criminal contempt in the
 36 second degree); section 215.51 (criminal contempt in the first degree);
 37 section 215.52 (aggravated criminal contempt); section 240.25 (harass-
 38 ment in the first degree); subdivision one, two or four of section
 39 240.30 (aggravated harassment in the second degree); aggravated family
 40 offense as defined in this section or any attempt or conspiracy to
 41 commit any of the foregoing offenses where the defendant and the person
 42 against whom the offense was committed were members of the same family
 43 or household as defined in subdivision one of section 530.11 of the
 44 criminal procedure law.

45 § 19. Section 255.26 of the penal law, as added by chapter 320 of the
 46 laws of 2006, is amended to read as follows:
 47 § 255.26 Incest in the second degree.

48 A person is guilty of incest in the second degree when he or she
 49 commits the crime of rape in the second degree, as defined in section
 50 130.30 of this part, ~~[or criminal sexual act in the second degree, as~~
 51 ~~defined in section 130.45 of this part,]~~ against a person whom he or she
 52 knows to be related to him or her, whether through marriage or not, as
 53 an ancestor, descendant, brother or sister of either the whole or the
 54 half blood, uncle, aunt, nephew or niece.
 55 Incest in the second degree is a class D felony.

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1 § 20. Section 255.27 of the penal law, as added by chapter 320 of the
2 laws of 2006, is amended to read as follows:

3 § 255.27 Incest in the first degree.

4 A person is guilty of incest in the first degree when he or she
5 commits the crime of rape in the first degree, as defined in paragraph
6 (c) or (d) of subdivision ~~(three or four)~~ one, paragraph (c) or (d) of
7 subdivision two or paragraph (c) or (d) of subdivision three of section
8 130.35 of this part~~[, or criminal sexual act in the first degree, as~~
9 ~~defined in subdivision three or four of section 130.50 of this part,]~~
10 against a person whom he or she knows to be related to him or her,
11 whether through marriage or not, as an ancestor, descendant, brother or
12 sister of either the whole or half blood, uncle, aunt, nephew or niece.

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

14 § 21. Subdivision 3 of section 485.05 of the penal law, as amended by
15 section 3 of part R of chapter 55 of the laws of 2020, is amended to
16 read as follows:

17 3. A "specified offense" is an offense defined by any of the following
18 provisions of this chapter: section 120.00 (assault in the third
19 degree); section 120.05 (assault in the second degree); section 120.10
20 (assault in the first degree); section 120.12 (aggravated assault upon a
21 person less than eleven years old); section 120.13 (menacing in the
22 first degree); section 120.14 (menacing in the second degree); section
23 120.15 (menacing in the third degree); section 120.20 (reckless endan-
24 germent in the second degree); section 120.25 (reckless endangerment in
25 the first degree); section 121.12 (strangulation in the second degree);
26 section 121.13 (strangulation in the first degree); subdivision one of
27 section 125.15 (manslaughter in the second degree); subdivision one, two
28 or four of section 125.20 (manslaughter in the first degree); section
29 125.25 (murder in the second degree); section 120.45 (stalking in the
30 fourth degree); section 120.50 (stalking in the third degree); section
31 120.55 (stalking in the second degree); section 120.60 (stalking in the
32 first degree); paragraph (a) of subdivision one, paragraph (a) of subdi-
33 vision two and paragraph (a) of subdivision three of section 130.35
34 (rape in the first degree); subdivision one of section 130.50 (criminal
35 sexual act in the first degree); ~~[subdivision one of section 130.65~~
36 ~~(sexual abuse in the first degree),]~~ paragraph (a) of subdivision one of
37 section 130.67 (aggravated sexual abuse in the second degree); paragraph
38 (a) of subdivision one of section 130.70 (aggravated sexual abuse in the
39 first degree); section 135.05 (unlawful imprisonment in the second
40 degree); section 135.10 (unlawful imprisonment in the first degree);
41 section 135.20 (kidnapping in the second degree); section 135.25
42 (kidnapping in the first degree); section 135.60 (coercion in the third
43 degree); section 135.61 (coercion in the second degree); section 135.65
44 (coercion in the first degree); section 140.10 (criminal trespass in the
45 third degree); section 140.15 (criminal trespass in the second degree);
46 section 140.17 (criminal trespass in the first degree); section 140.20
47 (burglary in the third degree); section 140.25 (burglary in the second
48 degree); section 140.30 (burglary in the first degree); section 145.00
49 (criminal mischief in the fourth degree); section 145.05 (criminal
50 mischief in the third degree); section 145.10 (criminal mischief in the
51 second degree); section 145.12 (criminal mischief in the first degree);
52 section 150.05 (arson in the fourth degree); section 150.10 (arson in
53 the third degree); section 150.15 (arson in the second degree); section
54 150.20 (arson in the first degree); section 155.25 (petit larceny);
55 section 155.30 (grand larceny in the fourth degree); section 155.35
56 (grand larceny in the third degree); section 155.40 (grand larceny in

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1 the second degree); section 155.42 (grand larceny in the first degree);
 2 section 160.05 (robbery in the third degree); section 160.10 (robbery in
 3 the second degree); section 160.15 (robbery in the first degree);
 4 section 240.25 (harassment in the first degree); subdivision one, two or
 5 four of section 240.30 (aggravated harassment in the second degree);
 6 section 490.10 (soliciting or providing support for an act of terrorism
 7 in the second degree); section 490.15 (soliciting or providing support
 8 for an act of terrorism in the first degree); section 490.20 (making a
 9 terroristic threat); section 490.25 (crime of terrorism); section 490.30
 10 (hindering prosecution of terrorism in the second degree); section
 11 490.35 (hindering prosecution of terrorism in the first degree); section
 12 490.37 (criminal possession of a chemical weapon or biological weapon in
 13 the third degree); section 490.40 (criminal possession of a chemical
 14 weapon or biological weapon in the second degree); section 490.45 (crim-
 15 inal possession of a chemical weapon or biological weapon in the first
 16 degree); section 490.47 (criminal use of a chemical weapon or biological
 17 weapon in the third degree); section 490.50 (criminal use of a chemical
 18 weapon or biological weapon in the second degree); section 490.55 (crim-
 19 inal use of a chemical weapon or biological weapon in the first degree);
 20 or any attempt or conspiracy to commit any of the foregoing offenses.

21 § 22. Subdivision 42 of section 1.20 of the criminal procedure law, as
 22 amended by chapter 7 of the laws of 2007, is amended to read as follows:

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

50 § 23. Paragraphs (a) and (b) of subdivision 1, the opening paragraph
 51 of subdivision 2 and paragraph (a) of subdivision 3 of section 140.20 of
 52 the criminal procedure law, paragraphs (a) and (b) of subdivision 1 as
 53 amended by chapter 324 of the laws of 1988, the opening paragraph of
 54 subdivision 2 and paragraph (a) of subdivision 3 as amended by chapter
 55 550 of the laws of 1987, are amended to read as follows:

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1 (a) If the arrest is for an offense other than a class A, B, C or D
 2 felony or a violation of section 130.25, [~~130.40~~] 205.10, 205.17,
 3 205.19 or 215.56 of the penal law committed in a town, but not in a
 4 village thereof having a village court, and the town court of such town
 5 is not available at the time, the arrested person may be brought before
 6 the local criminal court of any village within such town or, any adjoin-
 7 ing town, village embraced in whole or in part by such adjoining town,
 8 or city of the same county; and

9 (b) If the arrest is for an offense other than a class A, B, C or D
 10 felony or a violation of section 130.25, [~~130.40~~] 205.10, 205.17,
 11 205.19 or 215.56 of the penal law committed in a village having a
 12 village court and such court is not available at the time, the arrested
 13 person may be brought before the town court of the town embracing such
 14 village or any other village court within such town, or, if such town or
 15 village court is not available either, before the local criminal court
 16 of any adjoining town, village embraced in whole or in part by such
 17 adjoining town, or city of the same county; and

18 If the arrest is for an offense other than a class A, B, C or D felony
 19 or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or
 20 215.56 of the penal law, the arrested person need not be brought before
 21 a local criminal court as provided in subdivision one, and the procedure
 22 may instead be as follows:

23 (a) the arrest is for an offense other than a class A, B, C or D felo-
 24 ny or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or
 25 215.56 of the penal law, and

26 § 24. Paragraph (a) of subdivision 3 and the opening paragraph of
 27 subdivision 4 of section 140.27 of the criminal procedure law, as
 28 amended by chapter 550 of the laws of 1987, are amended to read as
 29 follows:

30 (a) the arrest is for an offense other than a class A, B, C or D felo-
 31 ny or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or
 32 215.56 of the penal law and

33 If the arrest is for an offense other than a class A, B, C or D felony
 34 or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or
 35 215.56 of the penal law, the arrested person need not be brought before
 36 a local criminal court as provided in subdivision two, and the procedure
 37 may instead be as follows:

38 § 25. Paragraph (a) of subdivision 2 and the opening paragraph of
 39 subdivision 3 of section 140.40 of the criminal procedure law, as
 40 amended by chapter 550 of the laws of 1987, are amended to read as
 41 follows:

42 (a) the arrest is for an offense other than a class A, B, C or D felo-
 43 ny or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or
 44 215.56 of the penal law and

45 If the arrest is for an offense other than a class A, B, C or D felony
 46 or a violation of section 130.25, [~~130.40~~] 205.10, 205.17, 205.19 or
 47 215.56 of the penal law, the arrested person need not be brought before
 48 a local criminal court, as provided in subdivision one, and the proce-
 49 dure may instead be as follows:

50 § 26. Paragraph (a) of subdivision 1 of section 150.20 of the criminal
 51 procedure law, as amended by section 1-a of part JJJ of chapter 59 of
 52 the laws of 2019, is amended to read as follows:

53 (a) Whenever a police officer is authorized pursuant to section 140.10
 54 of this title to arrest a person without a warrant for an offense other
 55 than a class A, B, C or D felony or a violation of section 130.25,
 56 [~~130.40~~] 205.10, 205.17, 205.19 or 215.56 of the penal law, he shall,

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1 except as set out in paragraph (b) of this subdivision, subject to the
 2 provisions of subdivisions three and four of section 150.40 of this
 3 title, instead issue to and serve upon such person an appearance ticket.

4 § 27. Subdivision (a) of section 190.71 of the criminal procedure law,
 5 as amended by chapter 7 of the laws of 2007, is amended to read as
 6 follows:

7 (a) Except as provided in subdivision six of section 200.20 of this
 8 chapter, a grand jury may not indict (i) a person thirteen years of age
 9 for any conduct or crime other than conduct constituting a crime defined
 10 in subdivisions one and two of section 125.25 (murder in the second
 11 degree) or such conduct as a sexually motivated felony, where authorized
 12 pursuant to section 130.91 of the penal law; (ii) a person fourteen or
 13 fifteen years of age for any conduct or crime other than conduct consti-
 14 tuting a crime defined in subdivisions one and two of section 125.25
 15 (murder in the second degree) and in subdivision three of such section
 16 provided that the underlying crime for the murder charge is one for
 17 which such person is criminally responsible; 135.25 (kidnapping in the
 18 first degree); 150.20 (arson in the first degree); subdivisions one and
 19 two of section 120.10 (assault in the first degree); 125.20 (manslaught-
 20 er in the first degree); ~~[subdivisions one and paragraphs (a) and (b)~~
 21 ~~of subdivision one, paragraphs (a) and (b) of subdivision two and para-~~
 22 ~~graphs (a) and (b) of subdivision three~~ of section 130.35 (rape in the
 23 first degree); ~~[subdivisions one and two of section 130.50 (criminal~~
 24 ~~sexual act in the first degree),]~~ 130.70 (aggravated sexual abuse in the
 25 first degree); 140.30 (burglary in the first degree); subdivision one of
 26 section 140.25 (burglary in the second degree); 150.15 (arson in the
 27 second degree); 160.15 (robbery in the first degree); subdivision two of
 28 section 160.10 (robbery in the second degree) of the penal law; ~~[subdi-~~
 29 ~~vision four of section 265.02 of the penal law, where such firearm is~~
 30 ~~possessed on school grounds, as that phrase is defined in subdivision~~
 31 ~~fourteen of section 220.00 of the penal law;]~~ or section 265.03 of the
 32 penal law, where such machine gun or such firearm is possessed on school
 33 grounds, as that phrase is defined in subdivision fourteen of section
 34 220.00 of the penal law; or defined in the penal law as an attempt to
 35 commit murder in the second degree or kidnapping in the first degree, or
 36 such conduct as a sexually motivated felony, where authorized pursuant
 37 to section 130.91 of the penal law.

38 § 28. Subdivision 4 of section 722.20 of the criminal procedure law,
 39 as added by section 1-a of part WWW of chapter 59 of the laws of 2017,
 40 is amended to read as follows:

41 4. Notwithstanding the provisions of subdivisions two and three of
 42 this section, the court shall, at the request of the district attorney,
 43 order removal of an action against a juvenile offender to the family
 44 court pursuant to the provisions of article seven hundred twenty-five of
 45 this title if, upon consideration of the criteria specified in subdivi-
 46 sion two of section 722.22 of this article, it is determined that to do
 47 so would be in the interests of justice. Where, however, the felony
 48 complaint charges the juvenile offender with murder in the second degree
 49 as defined in section 125.25 of the penal law, rape in the first degree
 50 as defined in paragraph (a) of subdivision one, paragraph (a) of subdivi-
 51 vision two and paragraph (a) of subdivision three of section 130.35 of
 52 the penal law, ~~[criminal sexual act in the first degree as defined in~~
 53 ~~subdivision one of section 130.50 of the penal law,]~~ or an armed felony
 54 as defined in paragraph (a) of subdivision forty-one of section 1.20 of
 55 this chapter, a determination that such action be removed to the family
 56 court shall, in addition, be based upon a finding of one or more of the

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1 following factors: (i) mitigating circumstances that bear directly upon
2 the manner in which the crime was committed; or (ii) where the defendant
3 was not the sole participant in the crime, the defendant's participation
4 was relatively minor although not so minor as to constitute a defense to
5 the prosecution; or (iii) possible deficiencies in proof of the crime.

6 § 29. Subdivision 5 of section 722.21 of the criminal procedure law,
7 as added by section 1-a of part WWW of chapter 59 of the laws of 2017,
8 is amended to read as follows:

9 5. Notwithstanding subdivisions two and three of this section, at the
10 request of the district attorney, the court shall order removal of an
11 action against an adolescent offender charged with an offense listed in
12 paragraph (a) of subdivision two of section 722.23 of this article, to
13 the family court pursuant to the provisions of article seven hundred
14 twenty-five of this title and upon consideration of the criteria speci-
15 fied in subdivision two of section 722.22 of this article, it is deter-
16 mined that to do so would be in the interests of justice. Where, howev-
17 er, the felony complaint charges the adolescent offender with murder in
18 the second degree as defined in section 125.25 of the penal law, rape in
19 the first degree as defined in paragraph (a) of subdivision one, para-
20 graph (a) of subdivision two and paragraph (a) of subdivision three of
21 section 130.35 of the penal law, [~~criminal sexual act in the first~~
22 ~~degree as defined in subdivision one of section 130.50 of the penal~~
23 ~~law~~] or an armed felony as defined in paragraph (a) of subdivision
24 forty-one of section 1.20 of this chapter, a determination that such
25 action be removed to the family court shall, in addition, be based upon
26 a finding of one or more of the following factors: (i) mitigating
27 circumstances that bear directly upon the manner in which the crime was
28 committed; or (ii) where the defendant was not the sole participant in
29 the crime, the defendant's participation was relatively minor although
30 not so minor as to constitute a defense to the prosecution; or (iii)
31 possible deficiencies in proof of the crime.

32 § 30. Paragraph (b) of subdivision 1 of section 722.22 of the criminal
33 procedure law, as added by section 1-a of part WWW of chapter 59 of the
34 laws of 2017, is amended to read as follows:

35 (b) with the consent of the district attorney, order removal of an
36 action involving an indictment charging a juvenile offender with murder
37 in the second degree as defined in section 125.25 of the penal law; rape
38 in the first degree, as defined in paragraph (a) of subdivision one,
39 paragraph (a) of subdivision two and paragraph (a) of subdivision three
40 of section 130.35 of the penal law[, ~~criminal sexual act in the first~~
41 ~~degree, as defined in subdivision one of section 130.50 of the penal~~
42 ~~law~~]; or an armed felony as defined in paragraph (a) of subdivision
43 forty-one of section 1.20 of this chapter, to the family court pursuant
44 to the provisions of article seven hundred twenty-five of this title if
45 the court finds one or more of the following factors: (i) mitigating
46 circumstances that bear directly upon the manner in which the crime was
47 committed; (ii) where the defendant was not the sole participant in the
48 crime, the defendant's participation was relatively minor although not
49 so minor as to constitute a defense to the prosecution; or (iii) possi-
50 ble deficiencies in the proof of the crime, and, after consideration of
51 the factors set forth in subdivision two of this section, the court
52 determined that removal of the action to the family court would be in
53 the interests of justice.

54 § 31. Subparagraph (iii) of paragraph (g) of subdivision 5 of section
55 220.10 of the criminal procedure law, as amended by chapter 264 of the
56 laws of 2003, is amended to read as follows:

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

§ 32. Subdivision 6 of section 300.50 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

6. For purposes of this section, the offenses of rape in the third degree as defined in ~~[subdivision three]~~ subdivisions seven, eight and nine of section 130.25 of the penal law ~~[and criminal sexual act in the third degree as defined in subdivision three of section 130.40 of the penal law]~~, are not lesser included offenses of rape in the first degree~~[, criminal sexual act in the first degree]~~ or any other offense. Notwithstanding the foregoing, ~~[either]~~ any such offense may be submitted as a lesser included offense of the applicable first degree offense when (i) there is a reasonable view of the evidence which would support a finding that the defendant committed such lesser offense but did not commit the greater offense, and (ii) both parties consent to its submission.

§ 32-a. Subdivision 6 of section 380.50 of the criminal procedure law, as separately amended by chapters 368 and 394 of the laws of 2015, is amended to read as follows:

6. Regardless of whether the victim requests to make a statement with regard to the defendant's sentence, where the defendant is sentenced for a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, ~~[130.40, 130.45]~~ 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30 or 230.32, the prosecutor shall, within sixty days of the imposition of sentence, provide the victim with a form, prepared and distributed by the commissioner of the division of criminal justice services, in consultation with the director of the office of victim services, on which the victim may indicate a demand to be

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1 informed of any petition to change the name of such defendant. Such
 2 forms shall be maintained by such prosecutor. Upon receipt of a notice
 3 of a petition to change the name of any such defendant, pursuant to
 4 subdivision two of section sixty-two of the civil rights law, the prose-
 5 cutor shall promptly notify the victim at the most current address or
 6 telephone number provided by such victim in the most reasonable and
 7 expedient possible manner of the time and place such petition will be
 8 presented to the court.

9 § 33. Paragraph (b) of subdivision 8 of section 700.05 of the crimi-
 10 nal procedure law, as amended by chapter 134 of the laws of 2019, is
 11 amended to read as follows:

12 (b) Any of the following felonies: assault in the second degree as
 13 defined in section 120.05 of the penal law, assault in the first degree
 14 as defined in section 120.10 of the penal law, reckless endangerment in
 15 the first degree as defined in section 120.25 of the penal law, promot-
 16 ing a suicide attempt as defined in section 120.30 of the penal law,
 17 strangulation in the second degree as defined in section 121.12 of the
 18 penal law, strangulation in the first degree as defined in section
 19 121.13 of the penal law, criminally negligent homicide as defined in
 20 section 125.10 of the penal law, manslaughter in the second degree as
 21 defined in section 125.15 of the penal law, manslaughter in the first
 22 degree as defined in section 125.20 of the penal law, murder in the
 23 second degree as defined in section 125.25 of the penal law, murder in
 24 the first degree as defined in section 125.27 of the penal law, rape in
 25 the third degree as defined in section 130.25 of the penal law, rape in
 26 the second degree as defined in section 130.30 of the penal law, rape in
 27 the first degree as defined in section 130.35 of the penal law, [~~crimi-
 28 nal sexual act in the third degree as defined in section 130.40 of the
 29 penal law, criminal sexual act in the second degree as defined in
 30 section 130.45 of the penal law, criminal sexual act in the first degree
 31 as defined in section 130.50 of the penal law,~~] sexual abuse in the
 32 first degree as defined in section 130.65 of the penal law, unlawful
 33 imprisonment in the first degree as defined in section 135.10 of the
 34 penal law, kidnapping in the second degree as defined in section 135.20
 35 of the penal law, kidnapping in the first degree as defined in section
 36 135.25 of the penal law, labor trafficking as defined in section 135.35
 37 of the penal law, aggravated labor trafficking as defined in section
 38 135.37 of the penal law, custodial interference in the first degree as
 39 defined in section 135.50 of the penal law, coercion in the first degree
 40 as defined in section 135.65 of the penal law, criminal trespass in the
 41 first degree as defined in section 140.17 of the penal law, burglary in
 42 the third degree as defined in section 140.20 of the penal law, burglary
 43 in the second degree as defined in section 140.25 of the penal law,
 44 burglary in the first degree as defined in section 140.30 of the penal
 45 law, criminal mischief in the third degree as defined in section 145.05
 46 of the penal law, criminal mischief in the second degree as defined in
 47 section 145.10 of the penal law, criminal mischief in the first degree
 48 as defined in section 145.12 of the penal law, criminal tampering in the
 49 first degree as defined in section 145.20 of the penal law, arson in the
 50 fourth degree as defined in section 150.05 of the penal law, arson in
 51 the third degree as defined in section 150.10 of the penal law, arson in
 52 the second degree as defined in section 150.15 of the penal law, arson
 53 in the first degree as defined in section 150.20 of the penal law, grand
 54 larceny in the fourth degree as defined in section 155.30 of the penal
 55 law, grand larceny in the third degree as defined in section 155.35 of
 56 the penal law, grand larceny in the second degree as defined in section

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1 155.40 of the penal law, grand larceny in the first degree as defined in
 2 section 155.42 of the penal law, health care fraud in the fourth degree
 3 as defined in section 177.10 of the penal law, health care fraud in the
 4 third degree as defined in section 177.15 of the penal law, health care
 5 fraud in the second degree as defined in section 177.20 of the penal
 6 law, health care fraud in the first degree as defined in section 177.25
 7 of the penal law, robbery in the third degree as defined in section
 8 160.05 of the penal law, robbery in the second degree as defined in
 9 section 160.10 of the penal law, robbery in the first degree as defined
 10 in section 160.15 of the penal law, unlawful use of secret scientific
 11 material as defined in section 165.07 of the penal law, criminal
 12 possession of stolen property in the fourth degree as defined in section
 13 165.45 of the penal law, criminal possession of stolen property in the
 14 third degree as defined in section 165.50 of the penal law, criminal
 15 possession of stolen property in the second degree as defined by section
 16 165.52 of the penal law, criminal possession of stolen property in the
 17 first degree as defined by section 165.54 of the penal law, trademark
 18 counterfeiting in the second degree as defined in section 165.72 of the
 19 penal law, trademark counterfeiting in the first degree as defined in
 20 section 165.73 of the penal law, forgery in the second degree as defined
 21 in section 170.10 of the penal law, forgery in the first degree as
 22 defined in section 170.15 of the penal law, criminal possession of a
 23 forged instrument in the second degree as defined in section 170.25 of
 24 the penal law, criminal possession of a forged instrument in the first
 25 degree as defined in section 170.30 of the penal law, criminal
 26 possession of forgery devices as defined in section 170.40 of the penal
 27 law, falsifying business records in the first degree as defined in
 28 section 175.10 of the penal law, tampering with public records in the
 29 first degree as defined in section 175.25 of the penal law, offering a
 30 false instrument for filing in the first degree as defined in section
 31 175.35 of the penal law, issuing a false certificate as defined in
 32 section 175.40 of the penal law, criminal diversion of prescription
 33 medications and prescriptions in the second degree as defined in section
 34 178.20 of the penal law, criminal diversion of prescription medications
 35 and prescriptions in the first degree as defined in section 178.25 of
 36 the penal law, residential mortgage fraud in the fourth degree as
 37 defined in section 187.10 of the penal law, residential mortgage fraud
 38 in the third degree as defined in section 187.15 of the penal law, resi-
 39 dential mortgage fraud in the second degree as defined in section 187.20
 40 of the penal law, residential mortgage fraud in the first degree as
 41 defined in section 187.25 of the penal law, escape in the second degree
 42 as defined in section 205.10 of the penal law, escape in the first
 43 degree as defined in section 205.15 of the penal law, absconding from
 44 temporary release in the first degree as defined in section 205.17 of
 45 the penal law, promoting prison contraband in the first degree as
 46 defined in section 205.25 of the penal law, hindering prosecution in the
 47 second degree as defined in section 205.60 of the penal law, hindering
 48 prosecution in the first degree as defined in section 205.65 of the
 49 penal law, sex trafficking as defined in section 230.34 of the penal
 50 law, sex trafficking of a child as defined in section 230.34-a of the
 51 penal law, criminal possession of a weapon in the third degree as
 52 defined in subdivisions two, three and five of section 265.02 of the
 53 penal law, criminal possession of a weapon in the second degree as
 54 defined in section 265.03 of the penal law, criminal possession of a
 55 weapon in the first degree as defined in section 265.04 of the penal
 56 law, manufacture, transport, disposition and defacement of weapons and

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1 dangerous instruments and appliances defined as felonies in subdivisions
 2 one, two, and three of section 265.10 of the penal law, sections 265.11,
 3 265.12 and 265.13 of the penal law, or prohibited use of weapons as
 4 defined in subdivision two of section 265.35 of the penal law, relating
 5 to firearms and other dangerous weapons, criminal manufacture, sale or
 6 transport of an undetectable firearm, rifle or shotgun as defined in
 7 section 265.50 of the penal law, or failure to disclose the origin of a
 8 recording in the first degree as defined in section 275.40 of the penal
 9 law;

10 § 34. Paragraph (a) of subdivision 2 of section 720.10 of the criminal
 11 procedure law, as amended by chapter 316 of the laws of 2006, is amended
 12 to read as follows:

13 (a) the conviction to be replaced by a youthful offender finding is
 14 for (i) a class A-I or class A-II felony, or (ii) an armed felony as
 15 defined in subdivision forty-one of section 1.20, except as provided in
 16 subdivision three, or (iii) rape in the first degree~~[, criminal sexual~~
 17 ~~act in the first degree,~~ or aggravated sexual abuse, except as provided
 18 in subdivision three, or

19 § 35. Paragraph (a) of subdivision 2 and paragraph (a) of subdivision
 20 3 of section 168-a of the correction law, paragraph (a) of subdivision 2
 21 as amended by chapter 405 of the laws of 2008, subparagraph (i) of para-
 22 graph (a) of subdivision 2 as amended by chapter 189 of the laws of 2018
 23 and paragraph (a) of subdivision 3 as amended by chapter 107 of the laws
 24 of 2006, are amended to read as follows:

25 (a) (i) a conviction of or a conviction for an attempt to commit any
 26 of the provisions of sections 120.70, 130.20, 130.25, 130.30, ~~[130.40,~~
 27 ~~130.45,~~ 130.60, 230.34, 230.34-a 250.50, 255.25, 255.26 and 255.27 or
 28 article two hundred sixty-three of the penal law, or section 135.05,
 29 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,
 30 provided the victim of such kidnapping or related offense is less than
 31 seventeen years old and the offender is not the parent of the victim, or
 32 section 230.04, where the person patronized is in fact less than seven-
 33 teen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision
 34 two of section 230.30, section 230.32, 230.33, or 230.34 of the penal
 35 law, or section 230.25 of the penal law where the person prostituted is
 36 in fact less than seventeen years old, or (ii) a conviction of or a
 37 conviction for an attempt to commit any of the provisions of section
 38 235.22 of the penal law, or (iii) a conviction of or a conviction for an
 39 attempt to commit any provisions of the foregoing sections committed or
 40 attempted as a hate crime defined in section 485.05 of the penal law or
 41 as a crime of terrorism defined in section 490.25 of such law or as a
 42 sexually motivated felony defined in section 130.91 of such law; or

43 (a) (i) a conviction of or a conviction for an attempt to commit any
 44 of the provisions of sections 130.35, ~~[130.50,~~ 130.65, 130.66, 130.67,
 45 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law, or (ii) a
 46 conviction of or a conviction for an attempt to commit any of the
 47 provisions of sections 130.53, 130.65-a and 130.90 of the penal law, or
 48 (iii) a conviction of or a conviction for an attempt to commit any
 49 provisions of the foregoing sections committed or attempted as a hate
 50 crime defined in section 485.05 of the penal law or as a crime of
 51 terrorism defined in section 490.25 of such law; or

52 § 36. Subparagraph (ii) of paragraph (a), subparagraphs (i) and (ii)
 53 of paragraph (b) and paragraph (e) of subdivision 8 of section 384-b of
 54 the social services law, subparagraph (ii) of paragraph (a) and subpara-
 55 graph (i) of paragraph (b) as amended by chapter 430 of the laws of

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1 2013, subparagraph (ii) of paragraph (b) as amended and paragraph (e) as
2 added by chapter 7 of the laws of 1999, are amended to read as follows:
3 (ii) the child has been found to be an abused child, as defined in
4 paragraph (iii) of subdivision (e) of section ten hundred twelve of the
5 family court act, as a result of such parent's acts; provided, however,
6 the respondent must have committed or knowingly allowed to be committed
7 a felony sex offense as defined in sections 130.25, 130.30, 130.35,
8 ~~[130.40, 130.45, 130.50,]~~ 130.65, 130.67, 130.70, 130.75, 130.80, 130.95
9 and 130.96 of the penal law and, for the purposes of this section the
10 corroboration requirements contained in the penal law shall not apply to
11 proceedings under this section; or
12 (i) the child has been found to be an abused child, (A) as defined in
13 paragraph (i) of subdivision (e) of section ten hundred twelve of the
14 family court act, as a result of such parent's acts; or (B) as defined
15 in paragraph (iii) of subdivision (e) of section ten hundred twelve of
16 the family court act, as a result of such parent's acts; provided,
17 however, the respondent must have committed or knowingly allowed to be
18 committed a felony sex offense as defined in sections 130.25, 130.30,
19 130.35, ~~[130.40, 130.45, 130.50,]~~ 130.65, 130.67, 130.70, 130.75,
20 130.80, 130.95 and 130.96 of the penal law; and
21 (ii) (A) the child or another child for whose care such parent is or
22 has been legally responsible has been previously found, within the five
23 years immediately preceding the initiation of the proceeding in which
24 such abuse is found, to be an abused child, as defined in paragraph (i)
25 or (iii) of subdivision (e) of section ten hundred twelve of the family
26 court act, as a result of such parent's acts; provided, however, in the
27 case of a finding of abuse as defined in paragraph (iii) of subdivision
28 (e) of section ten hundred twelve of the family court act the respondent
29 must have committed or knowingly allowed to be committed a felony sex
30 offense as defined in sections 130.25, 130.30, 130.35, ~~[130.40, 130.45,~~
31 ~~130.50,]~~ 130.65, 130.67, 130.70, 130.75 and 130.80 of the penal law, or
32 (B) the parent has been convicted of a crime under section 130.25,
33 130.30, 130.35, ~~[130.40, 130.45, 130.50,]~~ 130.65, 130.67, 130.70, 130.75
34 or 130.80 of the penal law against the child, a sibling of the child or
35 another child for whose care such parent is or has been legally respon-
36 sible, within the five year period immediately preceding the initiation
37 of the proceeding in which abuse is found; and
38 (e) A determination by the court in accordance with article ten of the
39 family court act based upon clear and convincing evidence that a child
40 was abused ~~(A)~~, as defined in paragraph (i) of subdivision (e) of section
41 ten hundred twelve of the family court act, as a result of such parent's
42 acts; or (B) as defined in paragraph (iii) of subdivision (e) of section
43 ten hundred twelve of the family court act, as a result of such parent's
44 acts; provided, however, the respondent must have committed or knowingly
45 allowed to be committed a felony sex offense as defined in sections
46 130.25, 130.30, 130.35, ~~[130.40, 130.45, 130.50,]~~ 130.65, 130.67,
47 130.70, 130.75 and 130.80 of the penal law shall establish that the
48 child was an abused child for the purpose of a determination as required
49 by subparagraph (i) or (ii) of paragraph (b) of this subdivision. Such a
50 determination by the court in accordance with article ten of the family
51 court act based upon a fair preponderance of evidence shall be admissi-
52 ble in any proceeding commenced in accordance with this section.
53 § 37. Paragraphs (a) and (b) of subdivision 4 of section 509-cc of the
54 vehicle and traffic law, paragraph (a) as amended by chapter 189 of the
55 laws of 2018 and paragraph (b) as amended by chapter 400 of the laws of
56 2011, are amended to read as follows:

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1 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of
 2 subdivision one and paragraph (a) of subdivision two of this section
 3 that result in permanent disqualification shall include a conviction
 4 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,
 5 125.25, 125.26, 125.27, 130.30, 130.35, ~~[130.45, 130.50]~~ 130.65,
 6 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25,
 7 150.20, 230.30, 230.32, 230.34, 230.34-a, 235.22, 263.05, 263.10,
 8 263.11, 263.15, 263.16 of the penal law or an attempt to commit any of
 9 the aforesaid offenses under section 110.00 of the penal law, or any
 10 offenses committed under a former section of the penal law which would
 11 constitute violations of the aforesaid sections of the penal law, or any
 12 offenses committed outside this state which would constitute violations
 13 of the aforesaid sections of the penal law.

14 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of
 15 subdivision one and paragraph (b) of subdivision two of this section
 16 that result in permanent disqualification shall include a conviction
 17 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 120.70, 125.10,
 18 125.11, ~~[130.40]~~ 130.53, 130.60, 130.65-a, 135.20, 160.15, 220.18,
 19 220.21, 220.39, 220.41, 220.43, 220.44, 230.25, 260.00, 265.04 of the
 20 penal law or an attempt to commit any of the aforesaid offenses under
 21 section 110.00 of the penal law, or any offenses committed under a
 22 former section of the penal law which would constitute violations of the
 23 aforesaid sections of the penal law, or any offenses committed outside
 24 this state which would constitute violations of the aforesaid sections
 25 of the penal law.

26 § 38. Subdivision (b) of section 117 of the family court act, as
 27 amended by chapter 7 of the laws of 2007, is amended to read as follows:

28 (b) For every juvenile delinquency proceeding under article three
 29 involving an allegation of an act committed by a person which, if done
 30 by an adult, would be a crime (i) defined in sections 125.27 (murder in
 31 the first degree); 125.25 (murder in the second degree); 135.25 (kidnap-
 32 ping in the first degree); or 150.20 (arson in the first degree) of the
 33 penal law committed by a person thirteen, fourteen or fifteen years of
 34 age; or such conduct committed as a sexually motivated felony, where
 35 authorized pursuant to section 130.91 of the penal law; (ii) defined in
 36 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
 37 the first degree); 130.35 (rape in the first degree); ~~[130.50 (criminal~~
 38 ~~sexual act in the first degree)]~~ 135.20 (kidnapping in the second
 39 degree), but only where the abduction involved the use or threat of use
 40 of deadly physical force; 150.15 (arson in the second degree); or 160.15
 41 (robbery in the first degree) of the penal law committed by a person
 42 thirteen, fourteen or fifteen years of age; or such conduct committed as
 43 a sexually motivated felony, where authorized pursuant to section 130.91
 44 of the penal law; (iii) defined in the penal law as an attempt to commit
 45 murder in the first or second degree or kidnapping in the first degree
 46 committed by a person thirteen, fourteen or fifteen years of age; or
 47 such conduct committed as a sexually motivated felony, where authorized
 48 pursuant to section 130.91 of the penal law; (iv) defined in section
 49 140.30 (burglary in the first degree); subdivision one of section 140.25
 50 (burglary in the second degree); subdivision two of section 160.10
 51 (robbery in the second degree) of the penal law; or section 265.03 of
 52 the penal law, where such machine gun or such firearm is possessed on
 53 school grounds, as that phrase is defined in subdivision fourteen of
 54 section 220.00 of the penal law committed by a person fourteen or
 55 fifteen years of age; or such conduct committed as a sexually motivated
 56 felony, where authorized pursuant to section 130.91 of the penal law;

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1 (v) defined in section 120.05 (assault in the second degree) or 160.10
 2 (robbery in the second degree) of the penal law committed by a person
 3 fourteen or fifteen years of age but only where there has been a prior
 4 finding by a court that such person has previously committed an act
 5 which, if committed by an adult, would be the crime of assault in the
 6 second degree, robbery in the second degree or any designated felony act
 7 specified in clause (i), (ii) or (iii) of this subdivision regardless of
 8 the age of such person at the time of the commission of the prior act;
 9 or (vi) other than a misdemeanor, committed by a person at least seven
 10 but less than sixteen years of age, but only where there has been two
 11 prior findings by the court that such person has committed a prior act
 12 which, if committed by an adult would be a felony:

13 (i) There is hereby established in the family court in the city of New
 14 York at least one "designated felony act part." Such part or parts shall
 15 be held separate from all other proceedings of the court, and shall have
 16 jurisdiction over all proceedings involving such an allegation. All such
 17 proceedings shall be originated in or be transferred to this part from
 18 other parts as they are made known to the court.

19 (ii) Outside the city of New York, all proceedings involving such an
 20 allegation shall have a hearing preference over every other proceeding
 21 in the court, except proceedings under article ten.

22 § 39. Subdivision 4 of section 308.1 of the family court act, as
 23 amended by chapter 264 of the laws of 2003, is amended to read as
 24 follows:

25 4. The probation service shall not adjust a case in which the child
 26 has allegedly committed a delinquent act which would be a crime defined
 27 in section 120.25, (reckless endangerment in the first degree), subdivi-
 28 sion one of section 125.15, (manslaughter in the second degree), [~~subdi-~~
 29 ~~vision]~~ subdivisions one, two and three of section 130.25, (rape in the
 30 third degree), [~~subdivision one of section 130.40, (criminal sexual act~~
 31 ~~in the third degree),~~] subdivision one or two of section 130.65, (sexual
 32 abuse in the first degree), section 135.65, (coercion in the first
 33 degree), section 140.20, (burglary in the third degree), section 150.10,
 34 (arson in the third degree), section 160.05, (robbery in the third
 35 degree), subdivision two, three or four of section 265.02, (criminal
 36 possession of a weapon in the third degree), section 265.03, (criminal
 37 possession of a weapon in the second degree), or section 265.04, (crimi-
 38 nal possession of a dangerous weapon in the first degree) of the penal
 39 law where the child has previously had one or more adjustments of a case
 40 in which such child allegedly committed an act which would be a crime
 41 specified in this subdivision unless it has received written approval
 42 from the court and the appropriate presentment agency.

43 § 40. Subdivision (c) of section 1052 of the family court act, as
 44 added by chapter 739 of the laws of 1981, is amended to read as follows:

45 (c) Prior to granting an order of disposition pursuant to subdivision
 46 (a) of this section following an adjudication of child abuse, as defined
 47 in paragraph (i) of subdivision (e) of section ten hundred twelve of
 48 this act or a finding of a felony sex offense as defined in sections
 49 130.25, 130.30, 130.35, [~~130.40, 130.45, 130.50,~~] 130.65 and 130.70 of
 50 the penal law, the court shall advise the respondent that any subsequent
 51 adjudication of child abuse, as defined in paragraph (i) of subdivision
 52 (e) of section one thousand twelve of this act or any subsequent finding
 53 of a felony sex offense as defined in those sections of the penal law
 54 herein enumerated, arising out of acts of the respondent may result in
 55 the commitment of the guardianship and custody of the child or another
 56 child pursuant to section three hundred eighty-four-b of the social

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1 services law. The order in such cases shall contain a statement that any
 2 subsequent adjudication of child abuse or finding of a felony sex
 3 offense as described herein may result in the commitment of the guardi-
 4 anship and custody of the child, or another child pursuant to section
 5 three hundred eighty-four-b of the social services law.

6 § 41. Subdivision 2 of section 64 of the civil rights law, as amended
 7 by chapter 158 of the laws of 2021, is amended to read as follows:

8 2. (a) If the petition states that the petitioner stands convicted of
 9 a violent felony offense as defined in section 70.02 of the penal law or
 10 a felony defined in article one hundred twenty-five of such law or any
 11 of the following provisions of such law sections 130.25, 130.30,
 12 ~~[130.40, 130.45]~~ 255.25, 255.26, 255.27, article two hundred sixty-
 13 three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30
 14 or 230.32, the clerk of the court in which the order has been entered
 15 shall deliver, by first class mail, a copy of such certified order to
 16 the division of criminal justice services at its office in the county of
 17 Albany and (b) if the petition states that the petitioner is responsible
 18 for spousal support or child support obligations pursuant to court
 19 order, upon review of the petitioner's application for name change and
 20 subsequent inquiry, the court may, in its discretion, order the peti-
 21 tioner to deliver by first class mail, the petitioner's new name with
 22 such certified order to the court of competent jurisdiction which
 23 imposed the orders of support. Such certification shall appear on the
 24 original order and on any certified copy thereof and shall be entered in
 25 the court's minutes of the proceeding.

26 § 42. Section 213-c of the civil practice law and rules, as amended by
 27 chapter 315 of the laws of 2019, is amended to read as follows:

28 § 213-c. Action by victim of conduct constituting certain sexual
 29 offenses. Notwithstanding any other limitation set forth in this arti-
 30 cle, except as provided in subdivision (b) of section two hundred eight
 31 of this article, all civil claims or causes of action brought by any
 32 person for physical, psychological or other injury or condition suffered
 33 by such person as a result of conduct which would constitute rape in the
 34 first degree as defined in section 130.35 of the penal law, or rape in
 35 the second degree as defined in subdivision two of section 130.30 of the
 36 penal law, or rape in the third degree as defined in subdivision one or
 37 three of section 130.25 of the penal law, ~~[or criminal sexual act in the~~
 38 ~~first degree as defined in section 130.50 of the penal law, or criminal~~
 39 ~~sexual act in the second degree as defined in subdivision two of section~~
 40 ~~130.45 of the penal law, or criminal sexual act in the third degree as~~
 41 ~~defined in subdivision one or three of section 130.40 of the penal law]~~
 42 or incest in the first degree as defined in section 255.27 of the penal
 43 law, or incest in the second degree as defined in section 255.26 of the
 44 penal law (where the crime committed is rape in the second degree as
 45 defined in subdivision two of section 130.30 of the penal law ~~[or crimi-~~
 46 ~~nal sexual act in the second degree as defined in subdivision two of~~
 47 ~~section 130.45]~~), or aggravated sexual abuse in the first degree as
 48 defined in section 130.70 of the penal law, or course of sexual conduct
 49 against a child in the first degree as defined in section 130.75 of the
 50 penal law may be brought against any party whose intentional or negli-
 51 gent acts or omissions are alleged to have resulted in the commission of
 52 the said conduct, within twenty years. Nothing in this section shall be
 53 construed to require that a criminal charge be brought or a criminal
 54 conviction be obtained as a condition of bringing a civil cause of
 55 action or receiving a civil judgment pursuant to this section or be

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1 construed to require that any of the rules governing a criminal proceed-
2 ing be applicable to any such civil action.

3 § 43. Paragraph (b) of subdivision 8 of section 215 of the civil prac-
4 tice law and rules, as added by chapter 3 of the laws of 2006, is
5 amended to read as follows:

6 (b) Whenever it is shown that a criminal action against the same
7 defendant has been commenced with respect to the event or occurrence
8 from which a claim governed by this section arises, and such criminal
9 action is for rape in the first degree as defined in section 130.35 of
10 the penal law, ~~[or criminal sexual act in the first degree as defined in~~
11 ~~section 130.50 of the penal law,~~] or aggravated sexual abuse in the
12 first degree as defined in section 130.70 of the penal law, or course of
13 sexual conduct against a child in the first degree as defined in section
14 130.75 of the penal law, the plaintiff shall have at least five years
15 from the termination of the criminal action as defined in section 1.20
16 of the criminal procedure law in which to commence the civil action,
17 notwithstanding that the time in which to commence such action has
18 already expired or has less than a year remaining.

19 § 44. Subdivision 11 of section 123 of the agriculture and markets
20 law, as amended by chapter 392 of the laws of 2004, and such section as
21 renumbered by section 18 of part T of chapter 59 of the laws of 2010, is
22 amended to read as follows:

23 11. The owner shall not be liable pursuant to subdivision six, seven,
24 eight, nine or ten of this section if the dog was coming to the aid or
25 defense of a person during the commission or attempted commission of a
26 murder, robbery, burglary, arson, rape in the first degree as defined in
27 paragraph (a) or (b) of subdivision one ~~[or, paragraph (a) or (b) of~~
28 ~~subdivision two or paragraph (a) or (b) of subdivision three~~ of section
29 130.35 of the penal law~~[, criminal sexual act in the first degree as~~
30 ~~defined in subdivision one or two of section 130.50 of the penal law]~~ or
31 kidnapping within the dwelling or upon the real property of the owner of
32 the dog and the dog injured or killed the person committing such crimi-
33 nal activity.

34 § 45. Section 4 of the judiciary law, as amended by chapter 1 of the
35 laws of 2019, is amended to read as follows:

36 § 4. Sittings of courts to be public. The sittings of every court
37 within this state shall be public, and every citizen may freely attend
38 the same, except that in all proceedings and trials in cases for
39 divorce, seduction, rape, assault with intent to commit rape, ~~[criminal~~
40 ~~sexual act,~~] bastardy or filiation, the court may, in its discretion,
41 exclude therefrom all persons who are not directly interested therein,
42 excepting jurors, witnesses, and officers of the court.

43 § 46. Subdivision 2 of section 120.60 of the penal law, as amended by
44 chapter 434 of the laws of 2000, is amended to read as follows:

45 2. commits a class A misdemeanor defined in article one hundred thirty
46 of this chapter, or a class E felony defined in section 130.25, ~~[130.40]~~
47 or 130.85 of this chapter, or a class D felony defined in section 130.30
48 ~~[or 130.45]~~ of this chapter.

49 § 47. Subdivision 1 of section 210.16 of the criminal procedure law,
50 as added by chapter 571 of the laws of 2007, is amended to read as
51 follows:

52 1. (a) In a case where an indictment or a superior court information
53 has been filed with a superior court which charges the defendant with a
54 felony offense enumerated in any section of article one hundred thirty
55 of the penal law where an act of "~~[sexual intercourse]~~ vaginal sexual
56 contact", "oral sexual ~~[conduct]~~ contact" or "anal sexual ~~[conduct]~~

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1 contact," as those terms are defined in section 130.00 of the penal law,
 2 is required as an essential element for the commission thereof, the
 3 court shall, upon a request of the victim within six months of the date
 4 of the crimes charged, order that the defendant submit to human immuno-
 5 deficiency virus (HIV) related testing. Testing of a defendant shall be
 6 ordered when the result would provide medical benefit to the victim or a
 7 psychological benefit to the victim. Medical benefit shall be found when
 8 the following elements are satisfied: (i) a decision is pending about
 9 beginning, continuing, or discontinuing a medical intervention for the
 10 victim; and (ii) the result of an HIV test of the accused could affect
 11 that decision, and could provide relevant information beyond that which
 12 would be provided by an HIV test of the victim. If testing the defendant
 13 would provide medical benefit to the victim or a psychological benefit
 14 to the victim, then the testing is to be conducted by a state, county,
 15 or local public health officer designated by the order. Test results,
 16 which shall not be disclosed to the court, shall be communicated to the
 17 defendant and the victim named in the order in accordance with the
 18 provisions of section twenty-seven hundred eighty-five-a of the public
 19 health law.

20 (b) For the purposes of this section, the terms "victim" and "appli-
 21 cant" mean the person with whom the defendant is charged to have engaged
 22 in an act of "~~sexual intercourse~~ vaginal sexual contact", "oral sexual
 23 ~~conduct~~ contact" or "anal sexual ~~conduct~~ contact", as those terms
 24 are defined in section 130.00 of the penal law, where such conduct with
 25 such victim was the basis for charging the defendant with an offense
 26 specified in paragraph (a) of this subdivision.

27 § 48. Subdivision 1 of section 390.15 of the criminal procedure law,
 28 as amended by chapter 264 of the laws of 2003, is amended to read as
 29 follows:

30 1. (a) In any case where the defendant is convicted of a felony
 31 offense enumerated in any section of article one hundred thirty of the
 32 penal law, or any subdivision of section 130.20 of such law, where an
 33 act of "~~sexual intercourse~~ vaginal sexual contact", "oral sexual
 34 ~~conduct~~ contact" or "anal sexual ~~conduct~~ contact," as those terms
 35 are defined in section 130.00 of the penal law, is required as an essen-
 36 tial element for the commission thereof, the court must, upon a request
 37 of the victim, order that the defendant submit to human immunodeficiency
 38 (HIV) related testing. The testing is to be conducted by a state, coun-
 39 ty, or local public health officer designated by the order. Test
 40 results, which shall not be disclosed to the court, shall be communi-
 41 cated to the defendant and the victim named in the order in accordance
 42 with the provisions of section twenty-seven hundred eighty-five-a of the
 43 public health law, but such results and disclosure need not be completed
 44 prior to the imposition of sentence.

45 (b) For the purposes of this section, the terms "defendant",
 46 "conviction" and "sentence" mean and include, respectively, an "eligible
 47 youth," a "youthful offender finding" and a "youthful offender sentence"
 48 as those terms are defined in section 720.10 of this chapter. The term
 49 "victim" means the person with whom the defendant engaged in an act of
 50 "~~sexual intercourse~~ vaginal sexual contact", "oral sexual ~~conduct~~
 51 contact" or "anal sexual ~~conduct~~ contact", as those terms are defined
 52 in section 130.00 of the penal law, where such conduct with such victim
 53 was the basis for the defendant's conviction of an offense specified in
 54 paragraph (a) of this subdivision.

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1 § 49. Subdivision 1 of section 347.1 of the family court act, as
 2 amended by chapter 264 of the laws of 2003, is amended to read as
 3 follows:

4 1. (a) In any proceeding where the respondent is found pursuant to
 5 section 345.1 or 346.1 of this article, to have committed a felony
 6 offense enumerated in any section of article one hundred thirty of the
 7 penal law, or any subdivision of section 130.20 of such law, for which
 8 an act of "[~~sexual intercourse~~] vaginal sexual contact", "oral sexual
 9 [~~conduct~~] contact" or "anal sexual [~~conduct~~] contact", as those terms
 10 are defined in section 130.00 of the penal law, is required as an essen-
 11 tial element for the commission thereof, the court must, upon a request
 12 of the victim, order that the respondent submit to human immunodeficien-
 13 cy (HIV) related testing. The testing is to be conducted by a state,
 14 county, or local public health officer designated by the order. Test
 15 results, which shall not be disclosed to the court, shall be communi-
 16 cated to the respondent and the victim named in the order in accordance
 17 with the provisions of section twenty-seven hundred eighty-five-a of the
 18 public health law.

19 (b) For the purposes of this section, the term "victim" means the
 20 person with whom the respondent engaged in an act of "[~~sexual inter-~~
 21 ~~course~~] vaginal sexual contact", "oral sexual [~~conduct~~] contact" or
 22 "anal sexual [~~conduct~~] contact", as those terms are defined in section
 23 130.00 of the penal law, where such conduct with such victim was the
 24 basis for the court's finding that the respondent committed acts consti-
 25 tuting one or more of the offenses specified in paragraph (a) of this
 26 subdivision.

27 § 50. Subdivision (a) of section 130.16 of the penal law, as amended
 28 by chapter 264 of the laws of 2003, is amended to read as follows:

29 (a) Establish that an attempt was made to engage the victim in [~~sexual~~
 30 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal
 31 sexual [~~conduct~~] contact, or sexual contact, as the case may be, at the
 32 time of the occurrence; and

33 § 51. Section 130.20 of the penal law, as amended by chapter 1 of the
 34 laws of 2000, subdivision 2 as amended by chapter 264 of the laws of
 35 2003, is amended to read as follows:

36 § 130.20 Sexual misconduct.

37 A person is guilty of sexual misconduct when:

38 1. He or she engages in [~~sexual intercourse~~] vaginal sexual contact
 39 with another person without such person's consent; or

40 2. He or she engages in oral sexual [~~conduct or anal sexual conduct~~]
 41 contact with another person without such person's consent; or

42 3. He or she engages in anal sexual contact with another person with-
 43 out such person's consent; or

44 4. He or she engages in sexual conduct with an animal or a dead human
 45 body.

46 Sexual misconduct is a class A misdemeanor.

47 § 52. Paragraphs (a) and (b) of subdivision 1 of section 130.75 of the
 48 penal law, as amended by chapter 264 of the laws of 2003, are amended to
 49 read as follows:

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

54 (b) he or she, being eighteen years old or more, engages in two or
 55 more acts of sexual conduct, which include at least one act of [~~sexual~~
 56 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact, anal

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1 sexual ~~[conduct]~~ contact or aggravated sexual contact, with a child less
2 than thirteen years old.

3 § 53. Subdivision 1 of section 235.00 of the penal law, as amended by
4 chapter 264 of the laws of 2003, is amended to read as follows:

5 1. "Obscene." Any material or performance is "obscene" if (a) the
6 average person, applying contemporary community standards, would find
7 that considered as a whole, its predominant appeal is to the prurient
8 interest in sex, and (b) it depicts or describes in a patently offensive
9 manner, actual or simulated: ~~[sexual intercourse]~~ vaginal sexual
10 contact, ~~[criminal sexual act]~~ oral sexual contact, anal sexual contact,
11 sexual bestiality, masturbation, sadism, masochism, excretion or lewd
12 exhibition of the genitals, and (c) considered as a whole, it lacks
13 serious literary, artistic, political, and scientific value. Predominant
14 appeal shall be judged with reference to ordinary adults unless it
15 appears from the character of the material or the circumstances of its
16 dissemination to be designed for children or other ~~[specially]~~ especial-
17 ly susceptible audience.

18 § 54. Subdivision 2 of section 235.22 of the penal law, as amended by
19 chapter 264 of the laws of 2003, is amended to read as follows:

20 2. by means of such communication he importunes, invites or induces a
21 minor to engage in ~~[sexual intercourse]~~ vaginal sexual contact, oral
22 sexual ~~[conduct]~~ contact or anal sexual ~~[conduct]~~ contact, or sexual
23 contact with him, or to engage in a sexual performance, obscene sexual
24 performance, or sexual conduct for his benefit.

25 § 55. Section 255.25 of the penal law, as amended by chapter 320 of
26 the laws of 2006, is amended to read as follows:

27 § 255.25 Incest in the third degree.

28 A person is guilty of incest in the third degree when he or she
29 marries or engages in ~~[sexual intercourse]~~ vaginal sexual contact, oral
30 sexual ~~[conduct]~~ contact or anal sexual ~~[conduct]~~ contact with a person
31 whom he or she knows to be related to him or her, whether through
32 marriage or not, as an ancestor, descendant, brother or sister of either
33 the whole or the half blood, uncle, aunt, nephew or niece.

34 Incest in the third degree is a class E felony.

35 § 56. Subdivision 3 of section 263.00 of the penal law, as amended by
36 chapter 264 of the laws of 2003, is amended to read as follows:

37 3. "Sexual conduct" means actual or simulated ~~[sexual intercourse]~~
38 vaginal sexual contact, oral sexual ~~[conduct]~~ contact, anal sexual
39 ~~[conduct]~~ contact, sexual bestiality, masturbation, sado-masochistic
40 abuse, or lewd exhibition of the genitals.

41 § 57. Subdivision 3 of section 60.42 of the criminal procedure law, as
42 amended by section 1 of part R of chapter 55 of the laws of 2019, is
43 amended to read as follows:

44 3. rebuts evidence introduced by the people of the victim's failure to
45 engage in ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual
46 ~~[conduct]~~ contact, anal sexual ~~[conduct]~~ contact or sexual contact
47 during a given period of time; or

48 § 58. Subdivision 3 of section 344.4 of the family court act, as
49 amended by chapter 264 of the laws of 2003, is amended to read as
50 follows:

51 3. rebuts evidence introduced by the presentment agency of the
52 victim's failure to engage in ~~[sexual intercourse]~~ vaginal sexual
53 contact, oral sexual ~~[conduct]~~ contact, anal sexual ~~[conduct]~~ contact or
54 sexual contact during a given period of time; or

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1 § 59. Subdivision 4 of section 170 of the domestic relations law, as
 2 amended by chapter 264 of the laws of 2003, is amended to read as
 3 follows:

4 (4) The commission of an act of adultery, provided that adultery for
 5 the purposes of articles ten, eleven, and eleven-A of this chapter, is
 6 hereby defined as the commission of an act of ~~[sexual intercourse]~~ vagi-
 7 nal sexual contact, oral sexual ~~[conduct]~~ contact or anal sexual
 8 ~~[conduct]~~ contact, voluntarily performed by the defendant, with a person
 9 other than the plaintiff after the marriage of plaintiff and defendant.
 10 Oral sexual ~~[conduct]~~ contact and anal sexual ~~[conduct]~~ contact include,
 11 but are not limited to, sexual conduct as defined in subdivision two of
 12 section 130.00 and subdivision ~~[three]~~ four of section 130.20 of the
 13 penal law.

14 § 60. The first undesignated paragraph of section 135.61 of the penal
 15 law, as added by section 2 of part NN of chapter 55 of the laws of 2018,
 16 is amended to read as follows:

17 A person is guilty of coercion in the second degree when he or she
 18 commits the crime of coercion in the third degree as defined in section
 19 135.60 of this article and thereby compels or induces a person to engage
 20 in ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~
 21 contact or anal sexual ~~[conduct]~~ contact as such terms are defined in
 22 section ~~[130 of the penal law]~~ 130.00 of this title.

23 § 61. The first undesignated paragraph of section 230.11 of the penal
 24 law, as added by chapter 368 of the laws of 2015, is amended to read as
 25 follows:

26 A person is guilty of aggravated patronizing a minor for prostitution
 27 in the third degree when, being twenty-one years old or more, he or she
 28 patronizes a person for prostitution and the person patronized is less
 29 than seventeen years old and the person guilty of patronizing engages in
 30 ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~
 31 contact, anal sexual ~~[conduct]~~ contact, or aggravated sexual ~~[conduct]~~
 32 contact as those terms are defined in section 130.00 of this part, with
 33 the person patronized.

34 § 62. The first undesignated paragraph of section 230.12 of the penal
 35 law, as added by chapter 368 of the laws of 2015, is amended to read as
 36 follows:

37 A person is guilty of aggravated patronizing a minor for prostitution
 38 in the second degree when, being eighteen years old or more, he or she
 39 patronizes a person for prostitution and the person patronized is less
 40 than fifteen years old and the person guilty of patronizing engages in
 41 ~~[sexual intercourse]~~ vaginal sexual contact, oral sexual ~~[conduct]~~
 42 contact, anal sexual ~~[conduct]~~ contact, or aggravated sexual ~~[conduct]~~
 43 contact as those terms are defined in section 130.00 of this part, with
 44 the person patronized.

45 § 63. The first undesignated paragraph of section 230.13 of the penal
 46 law, as added by chapter 368 of the laws of 2015, is amended to read as
 47 follows:

48 A person is guilty of aggravated patronizing a minor for prostitution
 49 in the first degree when he or she patronizes a person for prostitution
 50 and the person patronized is less than eleven years old, or being eigh-
 51 teen years old or more, he or she patronizes a person for prostitution
 52 and the person patronized is less than thirteen years old, and the
 53 person guilty of patronizing engages in ~~[sexual intercourse]~~ vaginal
 54 sexual contact, oral sexual ~~[conduct]~~ contact, anal sexual ~~[conduct]~~
 55 contact, or aggravated sexual ~~[conduct]~~ contact as those terms are
 56 defined in section 130.00 of this part, with the person patronized.

A. 6319--A

26

1 § 64. Subdivision 4 of section 200 of the domestic relations law, as
 2 amended by chapter 264 of the laws of 2003, is amended to read as
 3 follows:

4 4. The commission of an act of adultery by the defendant; except where
 5 such offense is committed by the procurement or with the connivance of
 6 the plaintiff or where there is voluntary cohabitation of the parties
 7 with the knowledge of the offense or where action was not commenced
 8 within five years after the discovery by the plaintiff of the offense
 9 charged or where the plaintiff has also been guilty of adultery under
 10 such circumstances that the defendant would have been entitled, if inno-
 11 cent, to a divorce, provided that adultery for the purposes of this
 12 subdivision is hereby defined as the commission of an act of [~~sexual~~
 13 ~~intercourse~~] vaginal sexual contact, oral sexual [~~conduct~~] contact or
 14 anal sexual [~~conduct~~] contact, voluntarily performed by the defendant,
 15 with a person other than the plaintiff after the marriage of plaintiff
 16 and defendant. Oral sexual [~~conduct~~] contact and anal sexual [~~conduct~~]
 17 contact include, but are not limited to, sexual conduct as defined in
 18 subdivision two of section 130.00 and subdivision [~~three~~] four of
 19 section 130.20 of the penal law.

20 § 65. As it pertains to the repealed sections of law, nothing in this
 21 act shall affect a requirement to register pursuant to article 6-C of
 22 the correction law; a lawfully required disclosure of a conviction; any
 23 restriction or prohibition for certain types of employment, housing, or
 24 government benefit; or any other ongoing matter related to a conviction
 25 of the sections repealed in this act.

26 § 66. This act shall take effect January 1, 2023 and shall apply to
 27 any offense on or after such effective date.