
STATE OF NEW YORK

1365

2011-2012 Regular Sessions

IN SENATE

January 6, 2011

Introduced by Sens. PERKINS, JOHNSON, KRUEGER, PARKER, PERALTA, RANZEN-
HOFER, SQUADRON -- read twice and ordered printed, and when printed to
be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to removing a certain time
period for the crime of persistent sexual abuse

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

- 1 Section 1. Section 130.53 of the penal law, as amended by chapter 264
2 of the laws of 2003, is amended to read as follows:
3 § 130.53 Persistent sexual abuse.
4 A person is guilty of persistent sexual abuse when he or she commits
5 the crime of forcible touching, as defined in section 130.52 of this
6 article, sexual abuse in the third degree, as defined in section 130.55
7 of this article, or sexual abuse in the second degree, as defined in
8 section 130.60 of this article, and~~[-, within the previous ten-year peri-~~
9 ~~od,]~~ has been convicted two or more times, in separate criminal trans-
10 actions for which sentence was imposed on separate occasions, of forci-
11 ble touching, as defined in section 130.52 of this article, sexual abuse
12 in the third degree as defined in section 130.55 of this article, sexual
13 abuse in the second degree, as defined in section 130.60 of this arti-
14 cle, or any offense defined in this article, of which the commission or
15 attempted commission thereof is a felony.
16 Persistent sexual abuse is a class E felony.
17 § 2. This act shall take effect on the first of November next succeed-
18 ing the date on which this act shall have become a law.

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

LBD01786-01-1

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1365

SPONSOR: PERKINS

TITLE OF BILL:

An act to amend the penal law, in relation to removing a certain time period for the crime of persistent sexual abuse

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to remove the ten year time period in relation to being defined as a person who has committed persistent sexual abuse. Previously, one who had committed the crime of forcible touching, sexual abuse in the third degree, or sexual abuse in the second degree, within a ten year period, would be guilty of persistent sexual abuse.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1. Amends section 130.53 of the penal law

Section 2. Establishes the effective date

JUSTIFICATION:

Sexual abuse is a serious issue. Preventative measures must be taken in order to protect the people of the great State of New York. Those who commit sexual abuses must know that such acts will not be tolerated, and the consequences for such acts should reflect that message accordingly. By allowing individuals to be convicted of a class E felony only if one commits the sexual abuses within a ten year period sends the wrong message and must be corrected. This legislation aims to correct this oversight.

PRIOR LEGISLATIVE HISTORY:

2009-10: S.7434 - Referred to Codes; Passed Senate 58-1

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the first of November next succeeding the date on which the act shall have become a law.
