In November, 1990, the Student Right-to-Know and Campus Security Act was signed into law (Public Law 101-542 as amended by Public Law 102-26 and The Higher Education Amendments of 1992). This law, known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, requires educational institutions to publish and distribute an annual security report containing campus security policies and procedures as well as campus crime statistics. This document is published and distributed to the students and employees of Albany Law School in compliance with this act.

Office of Public Safety

Security services for the Albany Law School are provided by the University Heights Association’s Office of Public Safety. The University Heights Association is a consortium of four colleges - The Albany Law School, The Albany College of Pharmacy, The Albany Medical College and The Sage Colleges - which share contiguous campuses and a variety of services. The Office of Public Safety is located on the second floor of the Armory building. In an emergency, Public Safety may be reached at 244-3177 or from any “Blue light” emergency phone. Non-emergency calls can be made to 244-4741 or 434-9603, ext 30.

The Office of Public Safety provides uniformed, radio-dispatched patrols on a 24 hour a day, seven days a week basis. Among the services provided by the Office of Public Safety are:
• preventive patrol, by vehicle, foot and bicycle
• emergency response
• crisis management
• law enforcement
• incident reporting and Clery Act reporting
• investigations
• medical emergency response
• traffic control and parking enforcement
• crime prevention awareness and training
• liaison with public sector public safety agencies

Public Safety Officers are security guards licensed by the State of New York. They are trained to the standards and requirements set by the New York State Division for Criminal Justice Services and the Department of State.

The staff of the Office of Public Safety is assisted by several technologies that are intended to enhance the safety and security of students, faculty and staff across all of the campuses. Those technologies include:

• "Blue light" emergency telephone that connect directly to the Public Safety dispatch center. They are placed at strategic locations around campus.

• Closed-circuit television systems which place cameras at a number of locations, both inside and outside, around campus. The cameras are recorded for investigatory and evidentiary purposes.

• Proximity card access to exterior doors of some buildings, which notifies Public Safety when doors are opened outside of normal business hours or when they are propped open.
Albany Law School also employs students to serve as escorts during the evening hours. Persons who wish to be escorted to their vehicles parked in Albany Law School lots are encouraged to use the service.

**Reporting Criminal Activity, Emergencies and Suspicious Behavior**

All students, staff and faculty of the Albany Law School are encouraged to immediately report to Public Safety any criminal activity, emergency or hazardous situation or suspicious person or behavior as follows:

Emergencies may be reported by dialing 244-3177 or by using any of the emergency phones located directly beneath blue lights. For your safety and protection, all calls made to 244-3177 are recorded and are available for instant replay. Although the Public Safety Dispatch Center has direct communication with the Public Safety Answering Points (PSAPs) in both Albany and Rensselaer counties, emergencies may also be reported directly to the Albany Police or Fire Departments by dialing 911 from any campus telephone. Please remember that 911 calls made from a cellular phone may not connect the caller to local emergency services and do not locate the caller for emergency services as does a 911 call from a wired telephone.

Non-emergencies may be reported by calling 244-4741 or 434-9603, ext. 30.

**Response to Reports**

It is the policy of the Office of Public Safety to investigate all crimes, complaints and incidents reported. It may also proactively investigate any activity or situation of potential hazard or criminality. Depending on the seriousness of an incident, the wishes of the complainant and the needs of the institution, the incident may also be referred to appropriate local, state or federal law enforcement
agencies. Memorandums of understanding, regarding the investigation of serious crimes, are in place with local law enforcement agencies and a cooperative working relationship has been forged with them.

Information related to reported crime is essential to a safe campus, and therefore is available to interested persons at the Office of Public Safety. Incident Reports and a public log are available, at the Administrative Services office of Albany Law School and at the UHA Public Safety Office, subject to confidentiality and investigative needs. Additionally, when a crime or incident or condition poses a continuing threat to members of the UHA community, timely alerts are posted in key locations across the appropriate campus, and voicemail and email systems may be used to assure awareness of the incident or condition.

This report is presented on an annual basis. It is prepared by the Director of Public Safety utilizing incident reports generated during the year, as well as information provided by various other campus offices. It is available in hard copy as well as on the Web at http://www.albanylaw.edu. The statistical portion of the report is also available at the U.S. Department of Education’s website, at http://ope.ed.gov/security.

Building Access

2000

Monday through Friday  8:00AM to 5:00PM

Persons entering the building during those hours should expect to be required to produce identification to enter.

1928

Monday through Friday  7:00AM to 5:00PM
Access is available to students, staff, faculty, visitors and the public.

Monday through Thursday     8:00AM - Midnight
Friday                      8:00AM - 10:00PM
Saturday                    9:00AM - 9:00PM
Sunday                      10:00AM - Midnight

Persons seeking access to the 1928 building during these hours should expect to be required to produce identification to enter.

Access to the building after 5:00PM may be obtained by using the Holland Avenue Entrance only. All other outside doors are secured by 5:00PM daily and all day on the weekend.

This schedule may be modified during vacation periods and on holidays.

The main entrance doors to the library foyer are locked and opened according to this schedule. Faculty and certain administrative staff members have keys to the faculty parking lot door allowing unlimited access; others are excluded when the building is closed, with certain specified exceptions to accommodate school programs such as the Journals and Moot Court Board. Security and maintenance staff will not admit any unauthorized person to the library when it is closed. Although the building is open to the public during normal business hours and for special evening and weekend events, only students, faculty and staff of the law school are permitted at other times. The exception to this is that outside attorneys are permitted to use the library during evening and weekend hours.

The 2000 Building, located on the University Heights campus, is open during normal business hours, Monday through Friday. This building is also open at certain times evenings and weekends to accommodate specific events scheduled there. Certain persons have been granted card access to the 2000 Building, according to their specific needs.
Safety and Crime Prevention Programming

From time to time during the year, the Law School or interested student groups offer programs on specific security concerns or problems. Memoranda are periodically addressed to all members of the Law School community to remind everyone to remain alert and use care in their personal activities. These may be issued in response to actual occurrences or reports from outside sources of patterns of suspicious activity in the area.

Campus Crime Statistics

The Campus Security Act requires that the institution collect and distribute statistical data concerning certain specified crimes on campus. It also requires that those crimes be further reported according to where the incidents occur. There are four categories for location of criminal activity, defined as follows:

“campus” means any building or property controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls and, property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

“non-campus building or property” means any building or property controlled by a student organization recognized by the institution, and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s
educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

“public property” means all public property, all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

“residence hall” means residential facilities for students on campus.

Crimes that single out an individual because of actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability are to be reported according to the category of prejudice. Albany Law School is unaware of any bias related crimes on campus during the past year.

The Act also requires that the number of arrests on campus for liquor law violations, drug abuse violations and weapons possessions be reported. The Law School is not aware of any arrests made for any of these reasons during this period. The sale, use or possession of illegal drugs on Law School property is strictly prohibited as is the consumption of alcoholic beverages by persons under the age of 21. Albany Law School expects that all State and Federal laws relating to the use or distribution of these substances will be complied with fully. A detailed description of this policy and anti-abuse programs are contained in the Albany Law School Drug and Alcohol Policy Statement in the Student Handbook or available at the Human Resources Office.

The following crimes have been reported as occurring at the Albany Law School for the calendar years 2005, 2004 and 2003:
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<th>OFFENSE</th>
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**CRIMES REPORTED IN THE RESIDENTIAL FACILITIES COLUMN ARE INCLUDED IN THE ON CAMPUS CATEGORY.**
The following bias related crimes are reported for the Albany Law School for the year 2005:

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**Sexual Assault**

During the 1990 legislative session, the New York State legislature, in response to growing concerns over incidents of rape and other sexual assaults on college and university campuses, amended the Education Law to require the establishment of advisory committees on campus security and the dissemination of information about sexual offenses and their handling and prevention.
Sexual offenses are crimes as defined in the New York State Penal law (Appendix A), and as such any occurrences should be reported immediately to Public Safety. The Office of Public Safety will assist the victim in reporting the incident to the police and in preserving evidence necessary for a criminal prosecution, if the victim so wishes. The Law School regards any offense of this nature as a matter of grave concern and expects that all incidents will be reported.

Victims of a sexual offense have, in addition to the Albany Rape Crisis Center, the services of the Employee/Student Assistance Program which is available to provide counseling and referrals for victims on a strictly confidential basis. Counselors are available at CAPITAL EAP, which provides the services of the Employee/Student Assistance Program. The School will assist victims of sexual offenses in contacting available services and rearranging academic and living situations if requested and reasonable.

The Law School will provide, as appropriate, a forum for a variety of activities to encourage the exchange of information concerning the nature and circumstances relating to sex offenses on college campuses and on measures that may assist in the prevention of sexual assaults both on and off campus. This might take the form of workshops, seminars, discussion groups or other presentations and may be sponsored by the law School or interested student groups. Topics for discussion would include such things as home and dormitory security measures, precautions to take in traveling by auto, walking or on public transportation, date or acquaintance rape and the rights of individuals to be totally free under any circumstances from the threat or actuality of a sexual assault.

While any sex offense should be reported to local police authorities, such offenses are also subject to campus disciplinary procedures as outlined in the Student Handbook, page 33.

**Sex Offender Registry and Access to Related Information**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The New York State sex offender registry may be accessed at http://criminal
justice.state.ny.us/nsor/index.htm. In addition, the City of Albany maintains a sex offender registry that may be accessed by "Entities of Vulnerable Population". The UHA Office of Public Safety has been so declared and the registry may be accessed through the Director of Public Safety.

While the Law School has been fortunate in not experiencing any of the major crimes reportable under the Act, there are occasional instances of theft or "mysterious disappearances" of property suggesting that everyone be alert to unusual activity or persons in the building and take care to secure personal and institutional property from the casually dishonest as well as the professional thief. With the active cooperation and interests of all members of the Law School Community we can and will take all reasonable and practical measures aimed at reducing campus crime to the lowest possible level.

Appendix A

The following information is provided pursuant to Section 6450 of the Education Law of the State of New York.

ARTICLE 130

SEX OFFENSES

Section 130.00 Sex offenses; definitions of terms.
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S 130.00 Sex offenses; definitions of terms.
The following definitions are applicable to this article:
1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
   (b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.
4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either:
   a. use of physical force; or
   b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.
9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis or rectum, is capable of causing physical injury.
10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child.
12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.
13. "Mental health care provider" means any person who is, or is required to be, licensed or registered, or holds himself or herself out to be licensed or registered, or provides mental health services as if he or she were licensed or registered in the profession of medicine, psychology or social work under any of the following: article one hundred thirty-one, one hundred fifty-three, or one hundred fifty-four of the education law.

S 130.05 Sex offenses; lack of consent.
1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
   (a) Forcible compulsion; or
   (b) Incapacity to consent; or
   (c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or
   (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse or deviate sexual intercourse, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances.
3. A person is deemed incapable of consent when he or she is:
   (a) less than seventeen years old; or
   (b) mentally disabled; or
   (c) mentally incapacitated; or
   (d) physically helpless; or
   (e) committed to the care and custody of the state department of correctional services or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of correctional services who performs professional duties in a state correctional facility consisting of providing custody, medical or mental health services, counseling services, educational programs, or vocational training for inmates;
   (ii) an employee of the division of parole who performs professional duties in a state correctional facility and who provides institutional parole services pursuant to section two hundred fifty-nine-e of the executive law; or
   (iii) an employee of the office of mental health who performs professional duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law, consisting of providing custody, or medical or mental health services for such inmates; or
   (f) committed to the care and custody of a local correctional
facility, as such term is defined in subdivision two of section forty of
the correction law, and the actor is an employee, not married to such
person, who knows or reasonably should know that such person is
committed to the care and custody of such facility. For purposes of this
paragraph, "employee" means an employee of the local correctional
facility where the person is committed who performs professional duties
consisting of providing custody, medical or mental health services,
counseling services, educational services, or vocational training for
inmates; or
(g) committed to or placed with the office of children and family
services and in residential care, and the actor is an employee, not
married to such person, who knows or reasonably should know that such
person is committed to or placed with such office of children and family
services and in residential care. For purposes of this paragraph,
"employee" means an employee of the office of children and family
services or of a residential facility who performs duties consisting of
providing custody, medical or mental health services, counseling
services, educational services, or vocational training for persons
committed to or placed with the office of children and family services
and in residential care; or
(h) a client or patient and the actor is a health care provider or
mental health care provider charged with 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, and the act of sexual conduct occurs during a
treatment session, consultation, interview, or examination.

§ 130.10 Sex offenses; limitation; defenses.
1. In any prosecution under this article in which the victim’s lack of
consent is based solely upon his or her incapacity to consent because he
or she was mentally disabled, mentally incapacitated or physically
helpless, it is an affirmative defense that the defendant, at the time
he or she engaged in the conduct constituting the offense, did not know
of the facts or conditions responsible for such incapacity to consent.
2. Conduct performed for a valid medical or mental health care purpose
shall not constitute a violation of any section of this article 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.
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.
4. In any prosecution under this article in which the victim’s lack of
consent is based solely on his or her incapacity to consent because he
or she was less than seventeen years old, mentally disabled, or a client
or patient and the actor is a health care provider, it shall be a
defense that the defendant was married to the victim as defined in
subdivision four of section 130.00 of this article.

S 130.16 Sex offenses; corroboration.
A person shall not be convicted of any offense defined in this article
of which lack of consent is an element but results solely from
incapacity to consent because of the victim’s mental defect, or mental
incapacity, or an attempt to commit the same, solely on the testimony of
the victim, unsupported by other evidence tending to:
(a) Establish that an attempt was made to engage the victim in sexual
intercourse, oral sexual conduct, anal sexual conduct, or sexual
contact, as the case may be, at the time of the occurrence; and
(b) Connect the defendant with the commission of the offense or
attempted offense.

S 130.20 Sexual misconduct.
A person is guilty of sexual misconduct when:
1. He or she engages in sexual intercourse with another person without
such person’s consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct
with another person without such person’s consent; or
3. He or she engages in sexual conduct with an animal or a dead human
body.
Sexual misconduct is a class A misdemeanor.

S 130.25 Rape in the third degree.
A person is guilty of rape in the third degree when:
1. He or she engages in sexual intercourse with another person who is
incapable of consent by reason of some factor other than being less than
seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual
intercourse with another person less than seventeen years old; or
3. He or she engages in sexual intercourse with another person without
such person’s consent where such lack of consent is by reason of some
factor other than incapacity to consent.
Rape in the third degree is a class E felony.

S 130.30 Rape in the second degree.
A person is guilty of rape in the second degree when:
1. being eighteen years old or more, he or she engages in sexual
intercourse with another person less than fifteen years old; or
2. he or she engages in sexual intercourse with another person who is
incapable of consent by reason of being mentally disabled or mentally
incapacitated.
It shall be an affirmative defense to the crime of rape in the second
degree as defined in subdivision one of this section that the defendant
was less than four years older than the victim at the time of the act.
Rape in the second degree is a class D felony.

S 130.35 Rape in the first degree.
A person is guilty of rape in the first degree when he or she engages
in sexual intercourse with another person:
1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless;
or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

§ 130.40 Criminal sexual act in the third degree.
A person is guilty of criminal sexual act in the third degree when:
1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the third degree is a class E felony.

§ 130.45 Criminal sexual act in the second degree.
A person is guilty of criminal sexual act in the second degree when:
1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the second degree is a class D felony.

§ 130.50 Criminal sexual act in the first degree.
A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:
1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.

§ 130.52 Forcible touching.
A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.
S 130.53 Persistent sexual abuse.

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent sexual abuse is a class E felony.

S 130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter’s consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person’s lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.

S 130.60 Sexual abuse in the second degree.

A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

S 130.65 Sexual abuse in the first degree.

A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old.

Sexual abuse in the first degree is a class D felony.

S 130.65-a Aggravated sexual abuse in the fourth degree.

1. A person is guilty of aggravated sexual abuse in the fourth degree when:
   (a) He or she inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
   (b) He or she inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.
2. Conduct performed for a valid medical purpose does not violate the
provisions of this section.
Aggravated sexual abuse in the fourth degree is a class E felony.

S 130.66 Aggravated sexual abuse in the third degree.
1. A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:
   (a) By forcible compulsion; or
   (b) When the other person is incapable of consent by reason of being physically helpless; or
   (c) When the other person is less than eleven years old.
2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.
3. Conduct performed for a valid medical purpose does not violate the provisions of this section.
   Aggravated sexual abuse in the third degree is a class D felony.

S 130.67 Aggravated sexual abuse in the second degree.
1. A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis, or rectum of another person causing physical injury to such person:
   (a) By forcible compulsion; or
   (b) When the other person is incapable of consent by reason of being physically helpless; or
   (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.
   Aggravated sexual abuse in the second degree is a class C felony.

S 130.70 Aggravated sexual abuse in the first degree.
1. A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:
   (a) By forcible compulsion; or
   (b) When the other person is incapable of consent by reason of being physically helpless; or
   (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.
   Aggravated sexual abuse in the first degree is a class B felony.

S 130.75 Course of sexual conduct against a child in the first degree.
1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:
   (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or
   (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual
intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.

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

Course of sexual conduct against a child in the first degree is a class B felony.

§ 130.80 Course of sexual conduct against a child in the second degree.
1. A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:
   (a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or
   (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.

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

Course of sexual conduct against a child in the second degree is a class D felony.

§ 130.85 Female genital mutilation.
1. A person is guilty of female genital mutilation when:
   (a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
   (b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child`s labia majora or labia minora or clitoris.

2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
   (a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
   (b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a class E felony.

§ 130.90 Facilitating a sex offense with a controlled substance.
A person is guilty of facilitating a sex offense with a controlled substance when he or she:
1. knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound,
mixture or substance that requires a prescription to obtain to another person without such person’s consent and with intent to commit against such person conduct constituting a felony defined in this article; and 2. commits or attempts to commit such conduct constituting a felony defined in this article.

Facilitating a sex offense with a controlled substance is a class D felony.