

**PREDATORY SEXUAL ASSAULT AGAINST A CHILD**  
**Penal Law § 130.96**  
**(Committed on or after Sept 1,2024)**

The (specify) count is Predatory Sexual Assault Against a Child.

Under our law, 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

Select appropriate alternative:

Rape in the first degree<sup>1</sup>

Aggravated sexual abuse in the first degree

Course of sexual conduct against a child in the first degree,

and the victim is less than thirteen years old.

The following term used in that definition has a special meaning:

A person is guilty of (specify name and definition of underlying crime)

*Note: if the underlying crime is a separate count within the indictment, reference to the crime or count and its instruction is sufficient.*

It is not a defense to this charge that the actor did not know that the child was less than thirteen (13) years old, or that the actor believed that such person was thirteen (13) years old or more on the date of the crime.<sup>2</sup>

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<sup>1</sup> Although Rape includes oral and anal sexual contact, the L. 2024, c. 23 added: "a crime formerly defined in section 130.50 of this title." Penal Law former § 130.50 defined "criminal sexual act in the first degree." Reference to the repealed law should be unnecessary when Rape is charged and is therefore not included in the text.

<sup>2</sup> Penal Law § 15.20(3).

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date) , in the County of (County), the defendant, (defendant's name), committed (name of crime);
2. That the victim of such (name of crime) was less than thirteen (13) years old; and
3. That the defendant was eighteen (18) years old or more.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.

