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**Youth And Government**

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Committee Assignment: Assembly Freedom 4

Bill #:AF-24

1 **Sponsors:** Cheryl Attard, Calvin Jean, Sara Rochford

2  
3 **An Act To.** Add § 70.81 of New York State penal law to allow the chemical  
4 castration of criminals who commit rape in the first degree

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

6 **Purpose** The purpose of this bill is to mandate the use of chemical castration on  
7 criminals who commit rape in the first degree. This will allow the rehabilitation of  
8 these criminals and protect the people of New York State from further harm.

9 **Summary of Provisions**

10 Section 1: Definitions

11 Medroxyprogesterone: a hormone used to reduce the sexual desires by offsetting  
12 testosterone in men and estrogen in women.

13 Chemical castration: castration via anaphrodisiac drugs, whether to reduce libido  
14 and sexual activity, to treat cancer, or otherwise

15 Sex offender: a person who commits a crime involving a sexual act.

16 Section 2: summary of provisions

17 § 70.80 5. Sentence of imprisonment for a predicate felony sex offender. (a)

18 Applicability. This subdivision shall apply to a predicate felony sex  
19 offender who stands convicted of a non-violent felony sex offense and  
20 who was previously convicted of one or more felonies.

21 (b) Non-violent predicate felony offense. When the court has found,  
22 pursuant to the provisions of the criminal procedure law, that a person  
23 is a predicate felony sex offender, and the person's predicate  
24 conviction was for a non-violent felony offense, the court must impose a  
25 determinate sentence of imprisonment, the term of which must be fixed by  
26 the court as follows:

27 (c) Violent predicate felony offense. When the court has found,  
28 pursuant to the provisions of the criminal procedure law, that a person  
29 is a predicate felony sex offender, and the person's predicate  
30 conviction was for a violent felony offense, the court must impose a  
31 determinate sentence of imprisonment, the term of which must be fixed by  
32 the court as follows:

33 (i) for a class B felony, the term must be at least nine years and  
34 must not exceed twenty-five years;

35 (ii) for a class C felony, the term must be at least six years and  
36 must not exceed fifteen years;

37 (iii) for a class D felony, the term must be at least four years and  
38 must not exceed seven years; and

39 6. Sentence of imprisonment for a violent felony sex offense. Except  
40 as provided in subdivisions seven and eight of this section, a defendant  
41 who stands convicted of a violent felony sex offense must be sentenced  
42 pursuant to the provisions of section 70.02, section 70.04, subdivision  
43 six of section 70.06, section 70.08, or section 70.10 of this article,  
44 as applicable.



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45 7. Sentence for a class A felony sex offense. When a person stands  
46 convicted of a sexually motivated felony pursuant to section 130.91 of  
47 this chapter and the specified offense is a class A felony, the court  
48 must sentence the defendant in accordance with the provisions of:

49 (a) section 60.06 of this chapter and section 70.00 of this article,  
50 as applicable, if such offense is a class A-I felony; and

51 (b) section 70.00, 70.06 or 70.08 of this article, as applicable, if  
52 such offense is a class A-II felony.

53 8. Whenever a juvenile offender stands convicted of a felony sex  
54 offense, he or she must be sentenced pursuant to the provisions of  
55 sections 60.10 and 70.05 of this chapter.

56 9. Every determinate sentence for a felony sex offense, as defined in  
57 paragraph (a) of subdivision one of this section, imposed pursuant to  
58 any section of this article, shall include as a part thereof a period of  
59 post-release supervision in accordance with subdivision two-a of section  
60 70.45 of this article.

61 § 70.81 Should the perpetrator be released from prison for whatever reason, the  
62 perpetrator who has committed rape in the 1<sup>st</sup> degree will hereby be mandated to  
63 undergo chemical treatment of medroxyprogesterone every three months. Should  
64 the person refuse the chemical treatment the person will thereby be sentenced to 4  
65 months of prison as a violation of parole until they decide to take the treatment.

66 **Justification**

67 This bill is needed in New York State with the drug medroxyprogesterone  
68 significantly dropping the recidivisms rate from 75% to 5% in some cases. Giving  
69 sexual offenders this drug will keep the community safe and insure the protection  
70 of society. This bill will also allow the protection of our next generation from people  
71 who seek to harm it. Common bills alike this one are found in an overall 9 states in  
72 the United States supporting chemical castration as an option for 1<sup>st</sup> degree sex  
73 offenders. California one of the most progressive states in the nation has this bill in  
74 effect. Alabama one of the most conservative states in the nation has this bill in  
75 effect this shows how this bill is needed. Regardless of what political stance you  
76 have, one thing remains true this is a serious problem and this bill is the only way  
77 to alleviate this issue. We believe that this bill will positively affect new state as a  
78 whole.

79 **Fiscal Implications**

80 This bill has no known fiscal implications

81 **Environmental Implications**

82 This bill will have no known environmental implications

83 **Effective Date**

84 This bill will go into effect one year after its passage