S T A T E O F N E W Y O R K

1067--A

R. R. 37

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, BENEDETTO, CUSICK, DelMONTE, FIELDS, GALEF, GORDON, KOON, LAVINE, MAISEL, PAULIN, PHEFFER, TITONE, WEISENBERG, SCHROEDER, HOOPER, SKARTADOS, GABRYSZAK, SPANO -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, BURLING, CHRISTENSEN, COLTON, GUNTHER, HIKIND, HYER-SPENCER, JOHN, LANCMAN, LUPARDO, MAGEE, PERRY, REILLY, ROSENTHAL, SCHIMMINGER, SWEENEY, TOWNS -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to sexual abuse of a person under the age of thirteen

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 130.65 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

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; OR

4. WHEN THE OTHER PERSON IS LESS THAN THIRTEEN YEARS OLD AND THE ACTOR IS TWENTY-ONE YEARS OLD OR OLDER.

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

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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