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

4986

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, CANESTRARI, SWEENEY, DIAZ, PHEFFER, KOON, LUPARDO, DelMONTE, WEISENBERG, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. CARROZZA, CHRISTENSEN, CYMBROWITZ, DESTITO, ESPAILLAT, FARRELL, FIELDS, GALEF, GLICK, HOYT, MAGNARELLI, MAYERSOHN, N. RIVERA, P. RIVERA, SCHROEDER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to incest

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

Section 1. Section 255.25 of the penal law, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

S 255.25 Incest in the [third] FOURTH degree.

A person is guilty of incest in the [third] FOURTH degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person SEVENTEEN YEARS OF AGE OR OLDER whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the [third] FOURTH degree is a class E felony.

S 2. The penal law is amended by adding a new section 255.24 to read as follows:

S 255.24 INCEST IN THE THIRD DEGREE.

A PERSON IS GUILTY OF INCEST IN THE THIRD DEGREE WHEN HE OR SHE MARRIES OR ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, OR ANAL SEXUAL CONDUCT WITH A PERSON LESS THAN SEVENTEEN YEARS OF AGE WHOM HE OR SHE KNOWS TO BE RELATED TO HIM OR HER, EITHER IN OR OUT OF WEDLOCK, AS AN ANCESTOR, DESCENDANT, BROTHER OR SISTER OF EITHER THE WHOLE OR THE HALF BLOOD, UNCLE, AUNT, NEPHEW, OR NIECE.

INCEST IN THE THIRD DEGREE IS A CLASS B FELONY.

S 3. 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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