

906

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. GUNTHER, JOHN, PHEFFER -- read once and referred  
to the Committee on Codes

AN ACT to amend the penal law, in relation to including individuals with  
a mental defect as a victim under sexual abuse in the first degree

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

1     Section 1. Subdivision 3 of section 130.65 of the penal law, as  
2     amended by chapter 1 of the laws of 2000, is amended and a new subdivi-  
3     sion 4 is added to read as follows:

4     3. When the other person is less than eleven years old[.]; OR

5     4. WHEN THE OTHER PERSON HAS A MENTAL DISEASE OR DEFECT.

6     S 2. This act shall take effect on the ninetieth day after it shall  
7     have become a law.

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

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