

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

1989--A

Cal. No. 494

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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:

1 Section 1. Section 130.65 of the penal law, as amended by chapter 1 of
2 the laws of 2000, is amended to read as follows:
3 S 130.65 Sexual abuse in the first degree.
4 A person is guilty of sexual abuse in the first degree when he or she
5 subjects another person to sexual contact:
6 1. By forcible compulsion; or
7 2. When the other person is incapable of consent by reason of being
8 physically helpless; or
9 3. When the other person is less than eleven years old; OR
10 4. WHEN THE OTHER PERSON IS LESS THAN THIRTEEN YEARS OLD AND THE ACTOR
11 IS TWENTY-ONE YEARS OLD OR OLDER.
12 Sexual abuse in the first degree is a class D felony.
13 S 2. This act shall take effect on the first of November next succeeding
14 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.

LBD03661-03-9