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

3921

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. MAYERSOHN, GALEF, DINOWITZ, HOOPER -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, DIAZ, KOON, MAGEE, McDONOUGH, ORTIZ, PAULIN, PHEFFER, SWEENEY, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of aggravated rape

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

Section 1. The penal law is amended by adding a new section 130.36 to read as follows:

S 130.36 AGGRAVATED RAPE.

A PERSON IS GUILTY OF AGGRAVATED RAPE WHEN, KNOWING HE OR SHE IS A CARRIER OF THE HUMAN IMMUNODEFICIENCY VIRUS, HE OR SHE ENGAGES IN SEXUAL INTERCOURSE WITH ANOTHER PERSON:

1. BY FORCIBLE COMPULSION; OR

2. WHO IS INCAPABLE OF CONSENT BY REASON OF BEING PHYSICALLY HELPLESS OR MENTALLY INCOMPETENT; OR

3. WHO IS LESS THAN ELEVEN YEARS OLD.

AGGRAVATED RAPE IS A CLASS A-II 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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