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Introduced by M. of A. PAULIN, JOHN, EDDINGTON, TITONE, ZEBROWSKI, GALEF, GABRYSZAK, JAFFEE, KOON, LANCMAN, MAISEL, P. RIVERA -- Multi-Sponsored by -- M. of A. BOYLAND, BRADLEY, CHRISTENSEN, DESTITO, GUNTHER, HYER-SPENCER, LENTOL, PHEFFER, SEMINERIO, SWEENEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated sexual abuse

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

Section 1. Subdivision 9 of section 130.00 of the penal law, as amended by chapter 696 of the laws of 1981, is amended to read as follows:

9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis [or], rectum OR ANUS, is capable of causing physical injury.

S 2. Subdivision 11 of section 130.00 of the penal law, as added by chapter 122 of the laws of 1996, is amended to read as follows:

11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis [or], rectum OR ANUS of a child, thereby causing physical injury to such child.

S 3. Subdivision 1 of section 130.65-a of the penal law, as added by chapter 1 of the laws of 2000, is amended to read as follows:

1. A person is guilty of aggravated sexual abuse in the fourth degree when:

(a) He or she inserts a foreign object in the vagina, urethra, penis [or], rectum OR ANUS of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or

(b) He or she inserts a finger in the vagina, urethra, penis [or], rectum OR ANUS of another person causing physical injury to such person

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

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and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

S 4. Subdivisions 1 and 2 of section 130.66 of the penal law, subdivision 1 as added by chapter 181 of the laws of 1996, subdivision 2 as added by chapter 1 of the laws of 2000, are amended to read as follows:

1. A person is guilty of aggravated sexual abuse in the third degree when he OR SHE inserts a foreign object in the vagina, urethra, penis [or], rectum OR ANUS of another person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis [or], rectum OR ANUS of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

S 5. Subdivision 1 of section 130.67 of the penal law, as added by chapter 450 of the laws of 1988, is amended to read as follows:

1. A person is guilty of aggravated sexual abuse in the second degree when he OR SHE inserts a finger in the vagina, urethra, penis, [or] rectum OR ANUS of another person causing physical injury to such person:

S 6. Subdivision 1 of section 130.70 of the penal law, as amended by chapter 450 of the laws of 1988, is amended to read as follows:

1. A person is guilty of aggravated sexual abuse in the first degree when he OR SHE inserts a foreign object in the vagina, urethra, penis [or], rectum OR ANUS of another person causing physical injury to such person:

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