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

906

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

LBD02367-01-9