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

168

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to 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 HE OR SHE ENGAGES IN SEXUAL INTERCOURSE OR DEVIATE SEXUAL INTERCOURSE WITH ANOTHER PERSON:

1. BY FORCIBLE COMPULSION; AND

2. SUCH SEXUAL INTERCOURSE OR DEVIATE SEXUAL INTERCOURSE:

(A) RESULTS IN OR IS COMMITTED WITH ACTS RESULTING IN SERIOUS PHYSICAL INJURY, OR

(B) IS COMMITTED BY A PERSON WHO AGREES WITH ONE OR MORE PERSONS TO ENGAGE IN OR CAUSE THE PERFORMANCE OF SUCH SEXUAL INTERCOURSE OR DEVIATE SEXUAL INTERCOURSE, OR

(C) IS COMMITTED DURING THE COMMISSION OR ATTEMPTED COMMISSION OF AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY (EXCEPT AN OFFENSE DEFINED IN EITHER SECTION 120.00 OR 120.15 OF SUCH ARTICLE), ONE HUNDRED TWENTY-FIVE, (EXCEPT AN OFFENSE DEFINED IN EITHER SECTION 125.50 OR 125.55 OF SUCH ARTICLE) ONE HUNDRED THIRTY-FIVE OR ONE HUNDRED SIXTY OF THIS CHAPTER.

AGGRAVATED RAPE IS A CLASS A-II FELONY.

S 2. This act shall take effect on the first of November next succeeding the year in which it shall have become a law.

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

LBD02694-01-9