

6071

2009-2010 Regular Sessions

I N S E N A T E

June 29, 2009

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

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:

1 Section 1. Subdivision 9 of section 130.00 of the penal law, as
2 amended by chapter 696 of the laws of 1981, is amended to read as
3 follows:
4 9. "Foreign object" means any instrument or article which, when
5 inserted in the vagina, urethra, penis [or], rectum OR ANUS, is capable
6 of causing physical injury.
7 S 2. Subdivision 11 of section 130.00 of the penal law, as added by
8 chapter 122 of the laws of 1996, is amended to read as follows:
9 11. "Aggravated sexual contact" means inserting, other than for a
10 valid medical purpose, a foreign object in the vagina, urethra, penis
11 [or], rectum OR ANUS of a child, thereby causing physical injury to such
12 child.
13 S 3. Subdivision 1 of section 130.65-a of the penal law, as added by
14 chapter 1 of the laws of 2000, is amended to read as follows:
15 1. A person is guilty of aggravated sexual abuse in the fourth degree
16 when:
17 (a) He or she inserts a foreign object in the vagina, urethra, penis
18 [or], rectum OR ANUS of another person and the other person is incapable
19 of consent by reason of some factor other than being less than seventeen
20 years old; or
21 (b) He or she inserts a finger in the vagina, urethra, penis [or],
22 rectum OR ANUS of another person causing physical injury to such person
23 and such person is incapable of consent by reason of some factor other
24 than being less than seventeen years old.

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

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

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

7 (a) By forcible compulsion; or

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

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

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

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

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

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

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

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