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

419--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, ZEBROWSKI -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 4 of section 130.65 of the penal law, as amended by chapter 26 of the laws of 2011, is amended and a new subdivision 5 is added to read as follows:

4. When the other person is less than thirteen years old and the actor is twenty-one years old or older[.]; OR

5. 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.

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