

788

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DESTITO, BENEDETTO, CUSICK, GALEF, GABRYSZAK, HOOPER, LAVINE, MAISEL, PAULIN, PHEFFER, TITONE, WEISENBERG, SCHROEDER, SPANO, SCARBOROUGH -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, BURLING, COLTON, GUNTHER, HIKIND, LANCMAN, LUPARDO, MAGEE, PERRY, REILLY, ROSENTHAL, SALADINO, SCHIMMINGER, SWEENEY, TOWNS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sexual abuse of a person under the age of thirteen

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

1 Section 1. Section 130.65 of the penal law, as amended by chapter 1 of
2 the laws of 2000, is amended to read as follows:
3 S 130.65 Sexual abuse in the first degree.
4 A person is guilty of sexual abuse in the first degree when he or she
5 subjects another person to sexual contact:
6 1. By forcible compulsion; or
7 2. When the other person is incapable of consent by reason of being
8 physically helpless; or
9 3. When the other person is less than eleven years old; OR
10 4. WHEN THE OTHER PERSON IS LESS THAN THIRTEEN YEARS OLD AND THE ACTOR
11 IS TWENTY-ONE YEARS OLD OR OLDER.
12 Sexual abuse in the first degree is a class D felony.
13 S 2. This act shall take effect on the first of November next succeed-
14 ing the date on which 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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