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

6877

I N  S E N A T E

April 2, 2012

Introduced by Sens. YOUNG, GOLDEN -- 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 the offenses of rape in the first, second and third degrees

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

Section 1. Section 130.00 of the penal law is amended by adding a new subdivision 14 to read as follows:

14. "CRIMINAL SEXUAL CONDUCT" MEANS SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT OR AGGRAVATED SEXUAL CONTACT.

S 2. Subdivisions 1, 2 and 3 of section 130.25 of the penal law, subdivisions 1 and 2 as amended and subdivision 3 as added by chapter 1 of the laws of 2000, are amended to read as follows:

1. He or she engages in CRIMINAL sexual [intercourse] CONDUCT with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

2. Being twenty-one years old or more, he or she engages in CRIMINAL sexual [intercourse] CONDUCT with another person less than seventeen years old; or

3. He or she engages in CRIMINAL sexual [intercourse] CONDUCT with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

S 3. Subdivisions 1 and 2 of section 130.30 of the penal law, subdivision 1 as amended and subdivision 2 as added by chapter 1 of the laws of 2000, are amended to read as follows:

1. being eighteen years old or more, he or she engages in CRIMINAL sexual [intercourse] CONDUCT with another person less than fifteen years old; or

2. he or she engages in CRIMINAL sexual [intercourse] CONDUCT with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

S 4. The opening paragraph of section 130.35 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

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

LBD15244-02-2

A person is guilty of rape in the first degree when he or she engages in CRIMINAL sexual [intercourse] CONDUCT with another person:

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.