

9774

I N A S S E M B L Y

April 2, 2012

Introduced by M. of A. SIMOTAS, COLTON, AUBRY, SAYWARD -- read once and referred 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:

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

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

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

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

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

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

17 S 3. Subdivisions 1 and 2 of section 130.30 of the penal law, subdivi-
18 sion 1 as amended and subdivision 2 as added by chapter 1 of the laws of
19 2000, are amended to read as follows:

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

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

26 S 4. The opening paragraph of section 130.35 of the penal law, as
27 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

1 A person is guilty of rape in the first degree when he or she engages
2 in CRIMINAL sexual [intercourse] CONDUCT with another person:
3 S 5. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.