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I N   S E N A T E

January 21, 2014

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Introduced by Sen. CARLUCCI -- 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 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:

1     Section 1. Subdivision 4 of section 130.65 of the penal law, as  
2 amended by chapter 26 of the laws of 2011, is amended and a new subdivi-  
3 sion 5 is added to read as follows:

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

6     5. WHEN THE OTHER PERSON HAS A MENTAL DISEASE OR DEFECT.

7     S 2. This act shall take effect on the first of November next succeed-  
8 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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