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

5139

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal sexual act in the first degree

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

Section 1. Section 130.50 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

S 130.50 Criminal sexual act in the first degree.

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or

2. Who is incapable of consent by reason of being physically helpless; or

3. Who is less than eleven years old; or

4. Who is less than thirteen years old and the actor is eighteen years old or more; OR

5. WHO IS LESS THAN SEVENTEEN YEARS OLD AND THE ACTOR IS EIGHTEEN YEARS OLD OR MORE AND WHOM HE OR SHE KNOWS TO BE RELATED TO HIM OR HER, WHETHER THROUGH MARRIAGE OR NOT, AS AN ANCESTOR, DESCENDANT, BROTHER OR SISTER OF EITHER THE WHOLE OR THE HALF BLOOD, UNCLE, AUNT, NEPHEW OR NIECE.

Criminal sexual act in the first degree is a class B felony.

S 2. This act shall take effect on the first of November next succeeding 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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