# STATE OF NEW YORK

9680

# IN ASSEMBLY

January 31, 2018

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

AN ACT to amend the penal law, in relation to removing the requirement that physical injury be caused under the crimes of aggravated sexual abuse in the third and fourth degrees

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Paragraph (b) of subdivision 1 of section 130.65-a of the penal law, as amended by chapter 485 of the laws of 2009, is amended to read as follows:

(b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person [~~causing physical injury to such person~~] and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

§ 2. Subdivision 2 of section 130.66 of the penal law, as amended by chapter 485 of the laws of 2009, is amended to read as follows:

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person [~~causing physical injury to such person~~] and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

§ 3. This act shall take effect on the ninetieth day after 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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