

# STATE OF NEW YORK

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843

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

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Introduced by M. of A. GUNTHER, ZEBROWSKI, HOOPER, OTIS, MONTESANO,  
SALADINO -- Multi-Sponsored by -- M. of A. CROUCH, McDONOUGH, RIVERA  
-- read once and referred 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 Assem-  
bly, 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 § 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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