STATE OF NEW YORK

3713

2019-2020 Regular Sessions

IN ASSEMBLY

January 30, 2019

Introduced by M. of A. GUNTHER, ZEBROWSKI, OTIS, MONTESANO -- 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 Assembly, do enact as follows:

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

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

5. When the other person has a mental disease or defect.

§ 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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