

STATE OF NEW YORK

1408

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. SIMON, L. ROSENTHAL, D'URSO, M. G. MILLER,
LAVINE, ENGLEBRIGHT, GLICK, MOSLEY, SEAWRIGHT, CROUCH, MONTESANO,
LAWRENCE, RICHARDSON, COOK, BRONSON -- Multi-Sponsored by -- M. of A.
HEVESI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to re-defining physically
helpless

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 7 of section 130.00 of the penal law is
2 amended to read as follows:

3 7. "Physically helpless" means that a person is unconscious or for any
4 other reason is physically unable to communicate [~~unwillingness~~] affir-
5 mative consent to an act. Such affirmative consent is a knowing, volun-
6 tary, and mutual decision among all participants to engage in sexual
7 activity. Consent can be given by words or actions, as long as those
8 words or actions create clear permission regarding willingness to engage
9 in the sexual activity.

10 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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