

# STATE OF NEW YORK

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2053

2019-2020 Regular Sessions

## IN ASSEMBLY

January 22, 2019

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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 disqualification of employment for certain criminal history information and deeming an individual with a developmental disability is incapable of giving consent

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

1 Section 1. Paragraph (j) of subdivision 3 of section 130.05 of the  
2 penal law, as added by section 1 of part JJ of chapter 55 of the laws of  
3 2018, is amended and a new paragraph (k) is added to read as follows:

4 (j) detained or otherwise in the custody of a police officer, peace  
5 officer, or other law enforcement official and the actor is a police  
6 officer, peace officer or other law enforcement official who either: (i)  
7 is detaining or maintaining custody of such person; or (ii) knows, or  
8 reasonably should know, that at the time of the offense, such person was  
9 detained or in custody~~[-]~~; or

10 (k) an individual with a developmental disability receiving services  
11 from a program or facility operated, certified or authorized by, or  
12 funded through, contract by the office for people with developmental  
13 disabilities where the actor is not married to such individual and is an  
14 employee, intern, consultant, contractor or volunteer of such program or  
15 facility where the individual receives services.

16 § 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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