

# STATE OF NEW YORK

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5396

2019-2020 Regular Sessions

## IN SENATE

April 29, 2019

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Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing the penalty for rape in the first degree

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

- 1 Section 1. Section 130.35 of the penal law, as amended by chapter 1 of  
2 the laws of 2000, is amended to read as follows:  
3 § 130.35 Rape in the first degree.  
4 A person is guilty of rape in the first degree when he or she engages  
5 in sexual intercourse with another person:  
6 1. By forcible compulsion; or  
7 2. Who is incapable of consent by reason of being physically helpless;  
8 or  
9 3. Who is less than eleven years old; or  
10 4. Who is less than thirteen years old and the actor is eighteen years  
11 old or more.  
12 Rape in the first degree is a class [B] A-II felony.  
13 § 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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