STATE OF NEW YORK

7079--C

2021-2022 Regular Sessions

IN ASSEMBLY

April 21, 2021

Introduced by M. of A. BURDICK, THIELE, DICKENS, GUNTHER, FERNANDEZ, OTIS, CLARK, JACKSON, GONZALEZ-ROJAS, KELLES, EPSTEIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to sexual conduct against a child in the third degree

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

Section 1. Subdivision 1 of section 130.66 of the penal law, as amended by chapter 485 of the laws of 2009, is amended to read as follows:

1. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object **or a finger** in the vagina, urethra, penis, rectum or anus of another person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; [~~or~~]

(c) When the other person is less than eleven years old[~~.~~]**; or**

(d) When the other person is less than thirteen years old and the actor is eighteen years of age or older.

§ 2. This act shall take effect on the thirtieth day after 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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