

STATE OF NEW YORK

2115

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sens. BAILEY, ADDABBO, BENJAMIN, BIAGGI, HOYLMAN, KRUEGER, PARKER, PERSAUD, SAVINO, SERRANO -- 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 re-defining physically helpless

The People of the State of New York, represented in Senate and Assembly, 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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