

# STATE OF NEW YORK

1802

2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Codes

AN ACT to amend the penal law, in relation to removing the requirement  
that physical injury be caused under the crimes of aggravated sexual  
abuse in the third and fourth degrees

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

- 1 Section 1. Paragraph (b) of subdivision 1 of section 130.65-a of the  
2 penal law, as amended by chapter 485 of the laws of 2009, is amended to  
3 read as follows:  
4 (b) He or she inserts a finger in the vagina, urethra, penis, rectum  
5 or anus of another person [~~causing physical injury to such person~~] and  
6 such person is incapable of consent by reason of some factor other than  
7 being less than seventeen years old.  
8 § 2. Subdivision 2 of section 130.66 of the penal law, as amended by  
9 chapter 485 of the laws of 2009, is amended to read as follows:  
10 2. A person is guilty of aggravated sexual abuse in the third degree  
11 when he or she inserts a foreign object in the vagina, urethra, penis,  
12 rectum or anus of another person [~~causing physical injury to such~~  
13 ~~person~~] and such person is incapable of consent by reason of being  
14 mentally disabled or mentally incapacitated.  
15 § 3. This act shall take effect on the ninetieth day after it shall  
16 have become a law.

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

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