STATE OF NEW YORK

477

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. OBERACKER, ASHBY, BORRELLO, MATTERA, PALUMBO -- 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:

Section 1. Section 130.35 of the penal law, as amended by chapter 777 of the laws of 2023, is amended to read as follows:

§ 130.35 Rape in the first degree.

A person is guilty of rape in the first degree when:

1. [~~he or she~~] **such person** engages in vaginal sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

(c) Who is less than eleven years old; or

(d) Who is less than thirteen years old and the actor is eighteen years old or more;

2. [~~he or she~~] **such person** engages in oral sexual contact with another person:

(a) By forcible compulsion; or

(b) Who is incapable of consent by reason of being physically helpless; or

(c) Who is less than eleven years old; or

(d) Who is less than thirteen years old and the actor is eighteen years old or more; or

3. [~~he or she~~] **such person** engages in anal sexual contact with another person:

(a) By forcible compulsion; or

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

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(b) Who is incapable of consent by reason of being physically helpless; or

(c) Who is less than eleven years old; or

(d) Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class [**B**] **A-II** felony.

§ 2. This act shall take effect immediately.