

STATE OF NEW YORK

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Intro. 4972

IN ASSEMBLY

March 16, 1965

JUN 14 1965

TEN-DAY BILL

Introduced by Mr. VOLKER—read once and referred to the
Committee on Codes

AN ACT

To amend a chapter of the laws of nineteen hundred sixty-five,
entitled "An act providing for the punishment of offenses,
constituting chapter forty of the consolidated laws," in rela-
tion to adultery

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

1 Section 1. A chapter of the laws of nineteen hundred sixty-five,
2 entitled "An act providing for the punishment of offenses, con-
3 stituting chapter forty of the consolidated laws," is hereby amended
4 by adding thereto a new section, to be section 255.17, to read as
5 follows:

6 § 255.17 *Adultery. A person is guilty of adultery when he*
7 *engages in sexual intercourse with another person at a time when*
8 *he has a living spouse, or the other person has a living spouse.*

9 *Adultery is a class B misdemeanor.*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

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1 § 2. Section 255.20 of such chapter is hereby amended to read as
2 follows:

3 § 255.20 Unlawfully procuring a marriage license, bigamy,
4 *adultery*: defense. In any prosecution for unlawfully procuring a
5 marriage license [or], bigamy, or *adultery*, it is an affirmative
6 defense that the defendant acted under a reasonable belief that
7 both he and the other person to the marriage or prospective mar-
8 riage or to the sexual intercourse, as the case may be, were
9 unmarried.

10 § 3. This act shall take effect September first, nineteen hundred
11 sixty-seven.