

STATE OF NEW YORK

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Intro. 4973

IN ASSEMBLY

March 16, 1965

TEN-DAY B

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

JUN 14 1965

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 sodomy

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

1 Section 1. Subdivision one of section 130.05 of a chapter of the
2 laws of nineteen hundred sixty-five, entitled "An act providing
3 for the punishment of offenses, constituting chapter forty of the
4 consolidated laws," is hereby amended to read as follows:

5 1. Whether or not specifically stated, it is an element of every
6 offense defined in this article, *except the offense of consensual*
7 *sodomy*, that the sexual act was committed without consent of
8 the victim.

9 § 2. Such chapter is hereby amended by adding thereto a new
10 section, to be section 130.38, to read as follows:

EXPLANATION — Matter in *italics*

1 § 130.38 *Consensual sodomy. A person is guilty of consensual*
2 *sodomy when he engages in deviate sexual intercourse with another*
3 *person.*

4 *Consensual sodomy is a class B misdemeanor.*

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