



New York State YMCA
Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Liberty 4

Bill #:AL-26

1 **Sponsors:** Madison Catania, Sarah Duenzl, Kenny Gillio, Edward Gubelman

2

3 **An Act To**

4 Amend section § 130.30 of Penal Law to increase the penalty for second degree
5 rape from a Class D Felony to a Class C Felony.

6

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

8

9 **Purpose**

10 To increase the punishment for those who commit second degree rape so that the
11 punishment fits the crime, and by doing so, ensuring that New York State is taking
12 the correct actions necessary to help prevent second degree rape.

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 Class D Felony- Fraud, theft, robbery, burglary, and manslaughter in special cases
16 are Class D Felonies in New York State.

17 Class C Felony- Assault, fraud, types of theft, robbery, larceny and drug distribution are
18 each charged as a Class C Felonies in New York State

19 **Section 2**

20 § 130.30 Rape in the second degree.

21 A person is guilty of rape in the second degree when:

- 22 1. being eighteen years old or more, he or she engages in sexual
23 intercourse with another person less than fifteen years old; or
24 2. he or she engages in sexual intercourse with another person who is
25 incapable of consent by reason of being mentally disabled or mentally
26 incapacitated.

27 It shall be an affirmative defense to the crime of rape in the second
28 degree as defined in subdivision one of this section that the defendant
29 was less than four years older than the victim at the time of the act.

30 Rape in the second degree is a ~~class-D felony~~: class c felony.

31 **Justification**

32 Second Degree Rape needs a more severe punishment than a Class D Felony, as it
33 can emotionally damage and scar someone for his or her entire life. The current
34 punishment in place is not the correct punishment to fit the crime. These rapists
35 need a more realistic punishment than what is currently enforced. With this bill in
36 place, the punishment will be raised from a class d felony (2-7 years) to a class c
37 felony (3 ½ to 15 years). It is horrific that those who commit second degree rape
38 aren't dealt with in a more proper manner. Rape has been a growing issue that
39 hasn't been dealt with in a proper manner in New York State. On average, there are



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40 433,648 victims (age 12 or older) of rape and sexual assault each year in the
41 United States. Justice needs to be served for these rape victims, and this bill will
42 help serve that justice. It is also statistically proven that 94% of women who are
43 raped experience symptoms of post-traumatic stress disorder (PTSD) during the
44 two weeks following the rape. Not only are these victims physically damaged, but
45 they are emotionally damaged as well. With that being said, the increase in
46 punishment is more than justifiable.

47 **Fiscal Implications**

48 The increase in a Class D Felony to a Class C Felony will mean that violators of this
49 bill will be incarcerated longer. This increase in incarceration will likely increase New
50 York State taxes.

51 **Environmental Implications**

52 This bill will change the culture surrounding second degree rape. Rapists will not
53 win this battle, as they have taken enough from the victim and will finally be
54 punished correctly for their actions. Hopefully, this will also make the victims and
55 those who feel threatened feel safer and have a better sense of closure,
56 understanding that the one who raped them is held accountable and dealt with the
57 right way.

58 **Effective Date**

59 This bill will go into effect one year after its passage.