

7237

I N   S E N A T E

May 7, 2014

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Introduced by Sen. GOLDEN -- 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 forcible touching on public transportation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 130.52 of the penal law, as amended by chapter 264  
2     of the laws of 2003, is amended to read as follows:  
3     S 130.52 Forcible touching IN THE SECOND DEGREE.  
4     A person is guilty of forcible touching IN THE SECOND DEGREE when such  
5     person intentionally, and for no legitimate purpose[,]:  
6     (1) forcibly touches, SQUEEZES, GRABS OR PINCHES the sexual or other  
7     intimate parts of another person for the purpose of degrading or abusing  
8     such person; or for the purpose of gratifying the actor's sexual  
9     desire[.  
10    For the purposes of this section, forcible touching includes squeez-  
11    ing, grabbing or pinching.]; OR  
12    (2) TOUCHES OR RUBS HIS OR HER SEXUAL OR INTIMATE BODY PARTS AGAINST  
13    ANY BODY PART OF ANOTHER PERSON, CLOTHED OR UNCLOTHED, FOR THE PURPOSE  
14    OF GRATIFYING SEXUAL DESIRE, OR FOR THE PURPOSE OF DEGRADING OR ABUSING  
15    SUCH OTHER PERSON WHILE SUCH OTHER PERSON IS A PASSENGER ON A BUS,  
16    TRAIN, OR SUBWAY CAR OPERATED BY ANY TRANSIT AGENCY, AUTHORITY OR COMPA-  
17    NY, PUBLIC OR PRIVATE, WHOSE OPERATION IS AUTHORIZED BY NEW YORK STATE  
18    OR ANY OF ITS POLITICAL SUBDIVISIONS.  
19    Forcible touching IN THE SECOND DEGREE is a class A misdemeanor.  
20    S 2. The penal law is amended by adding a new section 130.52-a to read  
21    as follows:  
22    S 130.52-A FORCIBLE TOUCHING IN THE FIRST DEGREE.  
23    A PERSON IS GUILTY OF FORCIBLE TOUCHING IN THE FIRST DEGREE WHEN SUCH  
24    PERSON INTENTIONALLY AND FOR NO LEGITIMATE PURPOSE TOUCHES OR RUBS HIS  
25    OR HER SEXUAL OR INTIMATE BODY PARTS AGAINST ANY BODY PART OF ANOTHER  
26    PERSON, CLOTHED OR UNCLOTHED, FOR THE PURPOSE OF GRATIFYING SEXUAL  
27    DESIRE, OR FOR THE PURPOSE OF DEGRADING OR ABUSING SUCH OTHER PERSON AND  
28    EMITS EJACULATE UPON ANY PART OF SUCH OTHER PERSON WHILE SUCH OTHER

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

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1 PERSON IS A PASSENGER ON A BUS, TRAIN, OR SUBWAY CAR OPERATED BY ANY  
2 TRANSIT AGENCY, AUTHORITY OR COMPANY, PUBLIC OR PRIVATE, WHOSE OPERATION  
3 IS AUTHORIZED BY NEW YORK STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.  
4 FORCIBLE TOUCHING IN THE FIRST DEGREE IS A CLASS E FELONY.  
5 S 3. This act shall take effect on the first of November next succeed-  
6 ing the date on which it shall have become a law.