

STATE OF NEW YORK

511

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN, CRUZ, ZINERMAN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unconsented removal or tampering with a sexually protective device

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

1 Section 1. Subdivision 4 of section 130.20 of the penal law is renum-
2 bered subdivision 5 and a new subdivision 4 is added to read as follows:

3 4. a. Such person engages in sexual intercourse, oral sexual conduct
4 or anal sexual conduct with another person that was mutually agreed upon
5 by the parties involved with the explicit understanding and knowledge
6 that a sexually protective device would be used but (i) intentionally
7 and without consent removes or tampers with such sexually protective
8 device during sexual intercourse, oral sexual conduct or anal sexual
9 conduct, in a manner likely to render such device ineffective for its
10 common purpose; (ii) intentionally and without consent uses a sexually
11 protective device during sexual intercourse, oral sexual conduct or anal
12 sexual conduct that such person knows has been tampered with in a manner
13 likely to render such device ineffective for its common purpose; or
14 (iii) intentionally misleads the other person into believing that a
15 sexually protective device was being used during sexual intercourse,
16 oral sexual conduct or anal sexual conduct, and such sexually protective
17 device was known by such other person to be either not used or inopera-
18 ble.

19 b. For the purposes of this subdivision, a "sexually protective
20 device" shall mean any one of the following intended to prevent pregnan-
21 cy or sexually transmitted infection: male or female condom, spermicide,
22 diaphragm, cervical cap, contraceptive sponge, dental dam, or another
23 physical device; or

24 § 2. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.

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

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