S T A T E O F N E W Y O R K

9938--A

Cal. No. 716

I N A S S E M B L Y

February 17, 2010

Introduced by M. of A. PAULIN, TITUS, JOHN, TITONE, ZEBROWSKI, GALEF, GABRYSZAK, JAFFEE, KOON, LANCMAN, MAISEL, P. RIVERA, DenDEKKER, GUNTHER, CASTRO, ESPAILLAT, GIBSON, PERRY, N. RIVERA, SKARTADOS, SPANO -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CHRISTENSEN, COOK, CRESPO, DESTITO, DINOWITZ, GLICK, GORDON, GOTTFRIED, HYER-SPENCER, LENTOL, MARKEY, M. MILLER, PHEFFER, REILLY, STIRPE, SWEENEY -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to expanding the definition of sexual contact in regard to sex offenses and making technical corrections to such provisions

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

Section 1. Subdivision 3 of section 130.00 of the penal law, as amended by chapter 650 of the laws of 1984, is amended to read as follows:

3. "Sexual contact" means any touching of the sexual or other intimate parts of a person [not married to the actor] for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, AS WELL AS THE EMISSION OF EJACULATE BY THE ACTOR UPON ANY PART OF THE VICTIM, CLOTHED OR UNCLOTHED.

S 2. Subdivision 2 of section 260.31 of the penal law, as added by chapter 381 of the laws of 1998 and such section as renumbered by chapter 14 of the laws of 2010, is amended to read as follows:

2. "Sexual contact" means any touching of the sexual or other intimate parts of a person [not married to the actor] for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, AS WELL AS THE EMISSION OF EJACULATE BY THE ACTOR UPON ANY PART OF THE VICTIM, CLOTHED OR UNCLOTHED.

S 3. This act shall take effect on the ninetieth day after 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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