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I N   S E N A T E

September 21, 2012

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Introduced by Sens. SAVINO, VALESKY, KLEIN, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law and the correction law, in relation to aggravated sexual contact in the first degree

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

1     Section 1. The penal law is amended by adding a new section 130.73 to  
2     read as follows:

3     S 130.73 AGGRAVATED SEXUAL CONTACT IN THE FIRST DEGREE.

4     A PERSON IS GUILTY OF AGGRAVATED SEXUAL CONTACT IN THE FIRST DEGREE  
5     WHEN HE OR SHE TOUCHES, RUBS, OR IS IN CLOSE PHYSICAL CONTACT, CLOTHED  
6     OR UNCLOTHED, TO ANOTHER PERSON FOR THE PURPOSE OF GRATIFYING SEXUAL  
7     DESIRE BY THE ACTOR, AS WELL AS THE EMISSION OF EJACULATE BY THE ACTOR  
8     UPON ANY PART OF THE VICTIM:

9     1. WHEN THE OTHER PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING  
10    PHYSICALLY HELPLESS, POWERLESS TO MOVE OR WHILE A PASSENGER ON PUBLIC  
11    TRANSPORTATION; OR

12    2. WHEN THE OTHER PERSON IS LESS THAN ELEVEN YEARS OLD.

13    AGGRAVATED SEXUAL CONTACT IN THE FIRST DEGREE IS A CLASS B FELONY.

14    S 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section  
15    168-a of the correction law, as amended by chapter 405 of the laws of  
16    2008, is amended to read as follows:

17    (i) a conviction of or a conviction for an attempt to commit any of  
18    the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,  
19    130.45, 130.60, 130.73, 230.34, 250.50, 255.25, 255.26 and 255.27 or  
20    article two hundred sixty-three of the penal law, or section 135.05,  
21    135.10, 135.20 or 135.25 of such law relating to kidnapping offenses,  
22    provided the victim of such kidnapping or related offense is less than  
23    seventeen years old and the offender is not the parent of the victim, or  
24    section 230.04, where the person patronized is in fact less than seven-  
25    teen years of age, 230.05 or 230.06, or subdivision two of section  
26    230.30, or section 230.32 or 230.33 of the penal law, or

27    S 3. This act shall take effect on the sixtieth day after it shall  
28    have become a law.

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

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