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

7323--B

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

Introduced by M. of A. SIMOTAS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 130.52 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

S 130.52 Forcible touching IN THE SECOND DEGREE.

A person is guilty of forcible touching IN THE SECOND DEGREE when such person intentionally, and for no legitimate purpose[,]:

(1) forcibly touches, SQUEEZES, GRABS OR PINCHES the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching; OR

(2) TOUCHES OR RUBS HIS OR HER SEXUAL OR INTIMATE BODY PARTS, CLOTHED OR UNCLOTHED, AGAINST ANY BODY PART OF ANOTHER PERSON, CLOTHED OR UNCLOTHED, FOR THE PURPOSE OF GRATIFYING SEXUAL DESIRE, OR FOR THE PURPOSE OF DEGRADING OR ABUSING SUCH OTHER PERSON WHILE SUCH OTHER PERSON IS A PASSENGER ON A BUS, TRAIN, OR SUBWAY CAR OPERATED BY ANY TRANSIT AGENCY, AUTHORITY OR COMPANY, PUBLIC OR PRIVATE, WHOSE OPERATION IS AUTHORIZED BY NEW YORK STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.

Forcible touching IN THE SECOND DEGREE is a class A misdemeanor.

S 2. The penal law is amended by adding a new section 130.52-a to read as follows:

S 130.52-A FORCIBLE TOUCHING IN THE FIRST DEGREE.

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

LBD10424-06-4

A PERSON IS GUILTY OF FORCIBLE TOUCHING IN THE FIRST DEGREE WHEN SUCH PERSON INTENTIONALLY AND FOR NO LEGITIMATE PURPOSE TOUCHES OR RUBS HIS OR HER SEXUAL OR INTIMATE BODY PARTS, CLOTHED OR UNCLOTHED, AGAINST ANY BODY PART OF ANOTHER PERSON, CLOTHED OR UNCLOTHED, FOR THE PURPOSE OF GRATIFYING SEXUAL DESIRE, OR FOR THE PURPOSE OF DEGRADING OR ABUSING SUCH OTHER PERSON AND EMITS EJACULATE UPON ANY PART OF SUCH OTHER PERSON WHILE SUCH OTHER PERSON IS A PASSENGER ON A BUS, TRAIN, OR SUBWAY CAR OPERATED BY ANY TRANSIT AGENCY, AUTHORITY OR COMPANY, PUBLIC OR PRIVATE, WHOSE OPERATION IS AUTHORIZED BY NEW YORK STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.

FORCIBLE TOUCHING IN THE FIRST DEGREE IS A CLASS E FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.