

4969

2015-2016 Regular Sessions

I N A S S E M B L Y

February 10, 2015

Introduced by M. of A. SIMOTAS -- read once and referred 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 the sexual or other intimate parts of another
7 person for the purpose of degrading or abusing such person; or for the
8 purpose of gratifying the actor's sexual desire.
9 For the purposes of this section, forcible touching includes squeez-
10 ing, grabbing or pinching; OR
11 (2) TOUCHES OR RUBS HIS OR HER SEXUAL OR INTIMATE BODY PARTS, CLOTHED
12 OR UNCLOTHED, AGAINST ANY BODY PART OF ANOTHER PERSON, CLOTHED OR
13 UNCLOTHED, FOR THE PURPOSE OF GRATIFYING SEXUAL DESIRE, WITH INTENT TO
14 DEGRADE OR ABUSE SUCH OTHER PERSON WHILE SUCH OTHER PERSON IS A PASSEN-
15 GER ON A BUS, TRAIN, OR SUBWAY CAR OPERATED BY ANY TRANSIT AGENCY,
16 AUTHORITY OR COMPANY, PUBLIC OR PRIVATE, WHOSE OPERATION IS AUTHORIZED
17 BY NEW YORK STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.
18 Forcible touching IN THE SECOND DEGREE is a class A misdemeanor.
19 S 2. The penal law is amended by adding a new section 130.52-a to read
20 as follows:
21 S 130.52-A FORCIBLE TOUCHING IN THE FIRST DEGREE.
22 A PERSON IS GUILTY OF FORCIBLE TOUCHING IN THE FIRST DEGREE WHEN SUCH
23 PERSON COMMITS THE CRIME OF FORCIBLE TOUCHING IN THE SECOND DEGREE AND
24 EMITS EJACULATE UPON ANY PART OF SUCH OTHER PERSON.
25 FORCIBLE TOUCHING IN THE FIRST DEGREE IS A CLASS E FELONY.
26 S 3. This act shall take effect on the first of November next succeed-
27 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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