

3203

2015-2016 Regular Sessions

I N S E N A T E

February 3, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to forcible touching in the first and second degree

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; OR

9 (2) TOUCHES OR RUBS HIS OR HER SEXUAL OR INTIMATE BODY PARTS, CLOTHED  
10 OR UNCLOTHED, AGAINST ANY BODY PART OF ANOTHER PERSON, CLOTHED OR  
11 UNCLOTHED, FOR THE PURPOSE OF GRATIFYING SEXUAL DESIRE, WITH INTENT TO  
12 DEGRADE OR ABUSE SUCH OTHER PERSON WHILE SUCH OTHER PERSON IS A PASSENGER  
13 ON A BUS, TRAIN, OR SUBWAY CAR OPERATED BY ANY TRANSIT AGENCY,  
14 AUTHORITY OR COMPANY, PUBLIC OR PRIVATE, WHOSE OPERATION IS AUTHORIZED  
15 BY NEW YORK STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.

16 For the purposes of this section, forcible touching includes squeezing,  
17 grabbing or pinching.

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 succeeding  
27 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.

LBD02913-01-5