STATE OF NEW YORK

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8751--A

2017-2018 Regular Sessions

IN ASSEMBLY

October 25, 2017
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Introduced by M. of A. L. ROSENTHAL -- read once and referred to the
   Committee on Codes -- recommitted to the Committee on Codes in accord-
   ance with Assembly Rule 3, sec. 2 -- committee discharged, bill
   amended, ordered reprinted as amended and recommitted to said commit-
   tee

AN ACT to amend the penal law, in relation to modifying the offense of
   "forcible touching" to "unwanted touching" and by removing certain
   elements of the actor's intent

   **The People of the State of New York, represented in Senate and Assem-
   bly, 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, the opening paragraph and subdivision 1 as amended
3 and subdivision 2 as added by chapter 250 of the laws of 2015, is
4 amended to read as follows:
5 § 130.52 [~~Forcible~~] **Unwanted** touching.
6   A person is guilty of [~~forcible~~] **unwanted** touching when such person
7 intentionally, and for no legitimate purpose:
8   1. [~~forcibly~~] touches the sexual or other intimate parts of another
9 person [~~for the purpose of degrading or abusing such person, or for the~~
10 ~~purpose of gratifying the actor's sexual desire~~] **without the latter's**
11 **consent**; or
12   2. subjects another person to sexual contact [~~for the purpose of grat-~~
13 ~~ifying the actor's sexual desire and with intent to degrade or abuse~~
14 ~~such other person~~] **without the latter's consent** while such other person
15 is a passenger on a bus, train, or subway car operated by any transit
16 agency, authority or company, public or private, whose operation is
17 authorized by New York state or any of its political subdivisions.
18   For the purposes of this section, [~~forcible~~] **unwanted** touching
19 includes **but is not limited to** squeezing, grabbing**, rubbing** or pinching.
20   [~~Forcible~~] **Unwanted** touching is a class A misdemeanor.
21   § 2. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.