

STATE OF NEW YORK

8823

2017-2018 Regular Sessions

IN ASSEMBLY

December 6, 2017

Introduced by M. of A. BRAUNSTEIN, GALEF, GLICK, JAFFEE, M. G. MILLER, MOSLEY, ZEBROWSKI, DINOWITZ, SKARTADOS -- Multi-Sponsored by -- M. of A. CROUCH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing a lack of consent for a person in custody to engage in sexual contact with a police officer or peace officer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 3 of section 130.05 of the penal law is amended
2 by adding a new paragraph (j) to read as follows:
3 (j) in custody or subject to police activity by a state or local
4 police or peace officer, and such officer should reasonably know the
5 person is under such custody or police activity. For purposes of this
6 paragraph, "custody" shall have the same meaning as defined in subdivi-
7 sion two of section two hundred five of this part; and "police activity"
8 shall mean any activity by an officer acting under the color of law.
9 § 2. This act shall take effect immediately.

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

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