STATE OF NEW YORK

502

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PAULIN, GALEF, MOSLEY, CROUCH -- Multi-Sponsored by -- M. of A. D'URSO, SOLAGES -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unconsented removal or tampering with a sexually protective device

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

Section 1. Subdivision 3 of section 130.20 of the penal law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. a. He or she engages in sexual intercourse, oral sexual conduct or anal sexual conduct with another person that was mutually agreed upon by the parties involved with the explicit understanding and knowledge that a sexually protective device would be used but (i) intentionally and without consent removes or tampers with such sexually protective device during sexual intercourse, oral sexual conduct or anal sexual conduct, in a manner likely to render such device ineffective for its common purpose; (ii) intentionally and without consent uses a sexually protective device during sexual intercourse, oral sexual conduct or anal sexual conduct that he or she knows has been tampered with in a manner likely to render such device ineffective for its common purpose; or (iii) intentionally misleads the other person into believing that a sexually protective device was being used during sexual intercourse, oral sexual conduct or anal sexual conduct, and such sexually protective device was known by such other person to be either not used or inoperable.

b. For the purposes of this subdivision, a "sexually protective device" shall mean any one of the following intended to prevent pregnancy or sexually transmitted infection: male or female condom, spermicide, diaphragm, cervical cap, contraceptive sponge, dental dam, or another physical device; or

§ 2. This act shall take effect on the first of November next succeeding 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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