STATE OF NEW YORK

104

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL, SEAWRIGHT, SIMON, ROZIC, ORTIZ, GOTTFRIED, ENGLEBRIGHT, BARNWELL, GALEF, JAFFEE, ZEBROWSKI, WEPRIN, D'URSO, SIMOTAS -- read once and referred to the Committee on Codes

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 Assembly, do enact as follows:

Section 1. Section 130.52 of the penal law, as amended by chapter 264 of the laws of 2003, the opening paragraph and subdivision 1 as amended and subdivision 2 as added by chapter 250 of the laws of 2015, is amended to read as follows:

§ 130.52 [~~Forcible~~] Unwanted touching.

A person is guilty of [~~forcible~~] unwanted touching when such person intentionally, and for no legitimate purpose:

1. [~~forcibly~~] touches the sexual or other intimate parts of another person [~~for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire~~] without the latter's consent; or

2. subjects another person to sexual contact [~~for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person~~] without the latter's consent while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions.

For the purposes of this section, [~~forcible~~] unwanted touching includes but is not limited to squeezing, grabbing, rubbing or pinching.

[~~Forcible~~] Unwanted touching is a class A misdemeanor.

§ 2. This act shall take effect on the one hundred eightieth day after 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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