STATE OF NEW YORK

7540

2021-2022 Regular Sessions

IN SENATE

November 24, 2021

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

AN ACT to amend the penal law, in relation to establishing the crime of aggravated forcible touching by an inmate

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

Section 1. The penal law is amended by adding a new section 130.52-a to read as follows:

§ 130.52-a Aggravated forcible touching by an inmate.

1. An inmate or respondent is guilty of aggravated forcible touching by an inmate when such inmate intentionally and for no legitimate purpose forcibly touches the sexual or other intimate parts of a person whom he or she knows or reasonably should know to be an employee of a facility, the board of parole, the office of mental health, a probation department, bureau or unit, or a police officer, for the purpose of degrading or abusing such person or for the purpose of gratifying the inmate's or respondent's sexual desire.

2. For purposes of this section:

(a) "inmate" means an inmate or detainee in a correctional facility, local correctional facility or a hospital, as such term is defined in subdivision two of section four hundred of the correction law;

(b) "respondent" means a juvenile in a secure facility operated and maintained by the office of children and family services who is placed with or committed to the office of children and family services; and

(c) "facility" means a correctional facility or local correctional facility, hospital as such term is defined in subdivision two of section four hundred of the correction law, or a secure facility operated and maintained by the office of children and family services.

Aggravated forcible touching by an inmate is a class E felony.

§ 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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