

STATE OF NEW YORK

1742

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

Introduced by M. of A. WEPRIN, WILLIAMS, BLUMENCRANZ, REILLY, DURSO, GANDOLFO, SAYEGH, PHEFFER AMATO, BUTTENSCHON, SEPTIMO, ROZIC, SHIMSKY, WOERNER, BROOK-KRASNY, SLATER, PALMESANO, SIMPSON, DeSTEFANO, BRABENEK, CHANG, JONES -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of forcible touching of a correction officer, and to increase criminal penalties for certain sexual offenses committed against correction officers

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

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

3 § 130.52-a Forcible touching of a correction officer.

4 A person is guilty of forcible touching of a correction officer when
5 such person intentionally, and for no legitimate purpose, forcibly
6 touches the sexual or other intimate parts of a correction officer for
7 the purpose of degrading or abusing such officer, or for the purpose of
8 gratifying the actor's sexual desire, when such correction officer is
9 acting in the course of their employment.

10 For the purposes of this section, forcible touching includes squeez-
11 ing, grabbing or pinching.

12 Forcible touching of a correction officer is a class E felony.

13 § 2. Section 130.20 of the penal law, as amended by chapter 777 of the
14 laws of 2023, is amended to read as follows:

15 § 130.20 Sexual misconduct.

16 A person is guilty of sexual misconduct when:

17 1. [~~He or she~~] Such person engages in vaginal sexual contact with
18 another person without such other person's consent; or

19 2. [~~He or she~~] Such person engages in oral sexual contact with another
20 person without such other person's consent; or

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

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1 3. [~~He or she~~] Such person engages in anal sexual contact with another
2 person without such other person's consent; or

3 4. [~~He or she~~] Such person engages in sexual conduct with an animal or
4 a dead human body.

5 Sexual misconduct is a class A misdemeanor, provided, however, that
6 when a person is guilty of sexual misconduct against a correction offi-
7 cer when such correction officer is acting in the course of such
8 correction officer's employment, sexual misconduct is a class E felony.

9 § 3. Section 130.25 of the penal law, as amended by chapter 777 of the
10 laws of 2023, is amended to read as follows:

11 § 130.25 Rape in the third degree.

12 A person is guilty of rape in the third degree when:

13 1. [~~He or she~~] Such person engages in vaginal sexual contact with
14 another person who is incapable of consent by reason of some factor
15 other than being less than seventeen years old;

16 2. [~~He or she~~] Such person engages in oral sexual contact with another
17 person who is incapable of consent by reason of some factor other than
18 being less than seventeen years old;

19 3. [~~He or she~~] Such person engages in anal sexual contact with another
20 person who is incapable of consent by reason of some other factor other
21 than being less than seventeen years old;

22 4. Being twenty-one years old or more, [~~he or she~~] such person engages
23 in vaginal sexual contact with another person less than seventeen years
24 old;

25 5. Being twenty-one years old or more, [~~he or she~~] such person engages
26 in oral sexual contact with another person less than seventeen years
27 old;

28 6. Being twenty-one years old or more, [~~he or she~~] such person engages
29 in anal sexual contact with another person less than seventeen years
30 old;

31 7. [~~He or she~~] Such person engages in vaginal sexual contact with
32 another person without such other person's consent where such lack of
33 consent is by reason of some factor other than incapacity to consent;

34 8. [~~He or she~~] Such person engages in oral sexual contact with another
35 person without such other person's consent where such lack of consent is
36 by reason of some factor other than incapacity to consent; or

37 9. [~~He or she~~] Such person engages in anal sexual contact with another
38 person without such other person's consent where such lack of consent is
39 by reason of some factor other than the incapacity to consent.

40 Rape in the third degree is a class E felony, provided, however, that
41 when a person is guilty of rape in the third degree against a correction
42 officer when such correction officer is acting in the course of such
43 correction officer's employment, rape in the third degree is a class D
44 felony.

45 § 4. Section 130.30 of the penal law, as amended by chapter 777 of the
46 laws of 2023, is amended to read as follows:

47 § 130.30 Rape in the second degree.

48 A person is guilty of rape in the second degree when:

49 1. being eighteen years old or more, [~~he or she~~] such person engages
50 in vaginal sexual contact with another person less than fifteen years
51 old;

52 2. being eighteen years old or more, [~~he or she~~] such person engages
53 in oral sexual contact with another person less than fifteen years old;

54 3. being eighteen years old or more, [~~he or she~~] such person engages
55 in anal sexual contact with another person less than fifteen years old;

1 4. [~~he or she~~] such person engages in vaginal sexual contact with
2 another person who is incapable of consent by reason of being mentally
3 disabled or mentally incapacitated;

4 5. [~~he or she~~] such person engages in oral sexual contact with another
5 person who is incapable of consent by reason of being mentally disabled
6 or mentally incapacitated; or

7 6. [~~he or she~~] such person engages in anal sexual contact with another
8 person who is incapable of consent by reason of being mentally disabled
9 or mentally incapacitated.

10 It shall be an affirmative defense to the crime of rape in the second
11 degree as defined in subdivisions one, two and three of this section
12 that the defendant was less than four years older than the victim at the
13 time of the act.

14 Rape in the second degree is a class D felony, provided, however, that
15 when a person is guilty of rape in the second degree against a
16 correction officer when such correction officer is acting in the course
17 of such correction officer's employment, rape in the second degree is a
18 class C felony.

19 § 5. Section 130.35 of the penal law, as amended by chapter 777 of the
20 laws of 2023, is amended to read as follows:

21 § 130.35 Rape in the first degree.

22 A person is guilty of rape in the first degree when:

23 1. [~~he or she~~] such person engages in vaginal sexual contact with
24 another person:

25 (a) By forcible compulsion; or

26 (b) Who is incapable of consent by reason of being physically help-
27 less; or

28 (c) Who is less than eleven years old; or

29 (d) Who is less than thirteen years old and the actor is eighteen
30 years old or more;

31 2. [~~he or she~~] such person engages in oral sexual contact with another
32 person:

33 (a) By forcible compulsion; or

34 (b) Who is incapable of consent by reason of being physically help-
35 less; or

36 (c) Who is less than eleven years old; or

37 (d) Who is less than thirteen years old and the actor is eighteen
38 years old or more; or

39 3. [~~he or she~~] such person engages in anal sexual contact with another
40 person:

41 (a) By forcible compulsion; or

42 (b) Who is incapable of consent by reason of being physically help-
43 less; or

44 (c) Who is less than eleven years old; or

45 (d) Who is less than thirteen years old and the actor is eighteen
46 years old or more.

47 Rape in the first degree is a class B felony, provided, however, that
48 when a person is guilty of rape in the first degree against a correction
49 officer when such correction officer is acting in the course of such
50 correction officer's employment, rape in the first degree is a class
51 A-II felony.

52 § 6. Section 130.53 of the penal law, as amended by chapter 192 of the
53 laws of 2014, is amended to read as follows:

54 § 130.53 Persistent sexual abuse.

55 A person is guilty of persistent sexual abuse when [~~he or she~~] such
56 person commits the crime of forcible touching, as defined in section

1 130.52 of this article, sexual abuse in the third degree, as defined in
2 section 130.55 of this article, or sexual abuse in the second degree, as
3 defined in section 130.60 of this article, and, within the previous ten
4 year period, excluding any time during which such person was incarcerat-
5 ed for any reason, has been convicted two or more times, in separate
6 criminal transactions for which sentence was imposed on separate occa-
7 sions, of forcible touching, as defined in section 130.52 of this arti-
8 cle, sexual abuse in the third degree, as defined in section 130.55 of
9 this article, sexual abuse in the second degree, as defined in section
10 130.60 of this article, or any offense defined in this article, of which
11 the commission or attempted commission thereof is a felony.

12 Persistent sexual abuse is a class E felony, provided, however, that
13 when a person is guilty of persistent sexual abuse against a correction
14 officer when such correction officer is acting in the course of such
15 correction officer's employment, persistent sexual abuse is a class D
16 felony.

17 § 7. Section 130.55 of the penal law, as amended by chapter 1 of the
18 laws of 2000, is amended to read as follows:

19 § 130.55 Sexual abuse in the third degree.

20 A person is guilty of sexual abuse in the third degree when [~~he or~~
21 ~~she~~] such person subjects another person to sexual contact without the
22 latter's consent; except that in any prosecution under this section, it
23 is an affirmative defense that (a) such other person's lack of consent
24 was due solely to incapacity to consent by reason of being less than
25 seventeen years old, and (b) such other person was more than fourteen
26 years old, and (c) the defendant was less than five years older than
27 such other person.

28 Sexual abuse in the third degree is a class B misdemeanor, provided,
29 however, that when a person is guilty of sexual abuse in the third
30 degree against a correction officer when such correction officer is
31 acting in the course of such correction officer's employment, sexual
32 abuse in the third degree is a class A misdemeanor.

33 § 8. Section 130.60 of the penal law, as amended by chapter 1 of the
34 laws of 2000, is amended to read as follows:

35 § 130.60 Sexual abuse in the second degree.

36 A person is guilty of sexual abuse in the second degree when [~~he or~~
37 ~~she~~] such person subjects another person to sexual contact and when such
38 other person is:

- 39 1. Incapable of consent by reason of some factor other than being less
40 than seventeen years old; or
- 41 2. Less than fourteen years old.

42 Sexual abuse in the second degree is a class A misdemeanor, provided,
43 however, that when a person is guilty of sexual abuse in the second
44 degree against a correction officer when such correction officer is
45 acting in the course of such correction officer's employment, sexual
46 abuse in the second degree is a class E felony.

47 § 9. Section 130.65 of the penal law, as amended by chapter 26 of the
48 laws of 2011, is amended to read as follows:

49 § 130.65 Sexual abuse in the first degree.

50 A person is guilty of sexual abuse in the first degree when [~~he or~~
51 ~~she~~] such person subjects another person to sexual contact:

- 52 1. By forcible compulsion; or
- 53 2. When the other person is incapable of consent by reason of being
54 physically helpless; or
- 55 3. When the other person is less than eleven years old; or

1 4. When the other person is less than thirteen years old and the actor
2 is twenty-one years old or older.

3 Sexual abuse in the first degree is a class D felony, provided, howev-
4 er, that when a person is guilty of sexual abuse in the first degree
5 against a correction officer when such correction officer is acting in
6 the course of such correction officer's employment, sexual abuse in the
7 first degree is a class C felony.

8 § 10. Section 130.65-a of the penal law, as added by chapter 1 of the
9 laws of 2000, subdivision 1 as amended by chapter 485 of the laws of
10 2009, is amended to read as follows:

11 § 130.65-a Aggravated sexual abuse in the fourth degree.

12 1. A person is guilty of aggravated sexual abuse in the fourth degree
13 when:

14 (a) [~~He or she~~] Such person inserts a foreign object in the vagina,
15 urethra, penis, rectum or anus of another person and the other person is
16 incapable of consent by reason of some factor other than being less than
17 seventeen years old; or

18 (b) [~~He or she~~] Such person inserts a finger in the vagina, urethra,
19 penis, rectum or anus of another person causing physical injury to such
20 other person and such other person is incapable of consent by reason of
21 some factor other than being less than seventeen years old.

22 2. Conduct performed for a valid medical purpose does not violate the
23 provisions of this section.

24 Aggravated sexual abuse in the fourth degree is a class E felony,
25 provided, however, that when a person is guilty of aggravated sexual
26 abuse in the fourth degree against a correction officer when such
27 correction officer is acting in the course of such correction officer's
28 employment, aggravated sexual abuse in the fourth degree is a class D
29 felony.

30 § 11. Section 130.66 of the penal law, as added by chapter 181 of the
31 laws of 1996, subdivision 1 as amended by chapter 647 of the laws of
32 2022, subdivision 2 as amended by chapter 485 of the laws of 2009, and
33 subdivision 3 as renumbered by chapter 1 of the laws of 2000, is amended
34 to read as follows:

35 § 130.66 Aggravated sexual abuse in the third degree.

36 1. A person is guilty of aggravated sexual abuse in the third degree
37 when [~~he or she~~] such person inserts a foreign object or a finger in the
38 vagina, urethra, penis, rectum or anus of another person:

39 (a) By forcible compulsion; [~~or~~]

40 (b) When the other person is incapable of consent by reason of being
41 physically helpless;

42 (c) When the other person is less than eleven years old; or

43 (d) When the other person is less than thirteen years old and the
44 actor is eighteen years of age or older.

45 2. A person is guilty of aggravated sexual abuse in the third degree
46 when [~~he or she~~] such person inserts a foreign object in the vagina,
47 urethra, penis, rectum or anus of another person causing physical injury
48 to such other person and such other person is incapable of consent by
49 reason of being mentally disabled or mentally incapacitated.

50 3. Conduct performed for a valid medical purpose does not violate the
51 provisions of this section.

52 Aggravated sexual abuse in the third degree is a class D felony,
53 provided, however, that when a person is guilty of aggravated sexual
54 abuse in the third degree against a correction officer when such
55 correction officer is acting in the course of such correction officer's

1 employment, aggravated sexual abuse in the third degree is a class C
2 felony.

3 § 12. Section 130.67 of the penal law, as added by chapter 450 of the
4 laws of 1988, the opening paragraph of subdivision 1 as amended by chap-
5 ter 485 of the laws of 2009, is amended to read as follows:

6 § 130.67 Aggravated sexual abuse in the second degree.

7 1. A person is guilty of aggravated sexual abuse in the second degree
8 when [~~he or she~~] such person inserts a finger in the vagina, urethra,
9 penis, rectum or anus of another person causing physical injury to such
10 other person:

11 (a) By forcible compulsion; or

12 (b) When the other person is incapable of consent by reason of being
13 physically helpless; or

14 (c) When the other person is less than eleven years old.

15 2. Conduct performed for a valid medical purpose does not violate the
16 provisions of this section.

17 Aggravated sexual abuse in the second degree is a class C felony,
18 provided, however, that when a person is guilty of aggravated sexual
19 abuse in the second degree against a correction officer when such
20 correction officer is acting in the course of such correction officer's
21 employment, aggravated sexual abuse in the second degree is a class B
22 felony.

23 § 13. Section 130.70 of the penal law, as amended by chapter 450 of
24 the laws of 1988, the opening paragraph of subdivision 1 as amended by
25 chapter 485 of the laws of 2009, is amended to read as follows:

26 § 130.70 Aggravated sexual abuse in the first degree.

27 1. A person is guilty of aggravated sexual abuse in the first degree
28 when [~~he or she~~] such person inserts a foreign object in the vagina,
29 urethra, penis, rectum or anus of another person causing physical injury
30 to such other person:

31 (a) By forcible compulsion; or

32 (b) When the other person is incapable of consent by reason of being
33 physically helpless; or

34 (c) When the other person is less than eleven years old.

35 2. Conduct performed for a valid medical purpose does not violate the
36 provisions of this section.

37 Aggravated sexual abuse in the first degree is a class B felony,
38 provided, however, that when a person is guilty of aggravated sexual
39 abuse in the first degree against a correction officer when such
40 correction officer is acting in the course of such correction officer's
41 employment, aggravated sexual abuse in the first degree is a class A-II
42 felony.

43 § 14. Section 130.85 of the penal law, as added by chapter 618 of the
44 laws of 1997, is amended to read as follows:

45 § 130.85 Female genital mutilation.

46 1. A person is guilty of female genital mutilation when:

47 (a) a person knowingly circumcises, excises, or infibulates the whole
48 or any part of the labia majora or labia minora or clitoris of another
49 person who has not reached eighteen years of age; or

50 (b) being a parent, guardian or other person legally responsible and
51 charged with the care or custody of a child less than eighteen years
52 old, [~~he or she~~] such person knowingly consents to the circumcision,
53 excision or infibulation of whole or part of such child's labia majora
54 or labia minora or clitoris.

55 2. Such circumcision, excision, or infibulation is not a violation of
56 this section if such act is:

1 (a) necessary to the health of the person on whom it is performed, and
2 is performed by a person licensed in the place of its performance as a
3 medical practitioner; or

4 (b) performed on a person in labor or who has just given birth and is
5 performed for medical purposes connected with that labor or birth by a
6 person licensed in the place it is performed as a medical practitioner,
7 midwife, or person in training to become such a practitioner or midwife.

8 3. For the purposes of paragraph (a) of subdivision two of this
9 section, no account shall be taken of the effect on the person on whom
10 such procedure is to be performed of any belief on the part of that or
11 any other person that such procedure is required as a matter of custom
12 or ritual.

13 Female genital mutilation is a class E felony, provided, however, that
14 when a person is guilty of female genital mutilation against a
15 correction officer when such correction officer is acting in the course
16 of such correction officer's employment, female genital mutilation is a
17 class D felony.

18 § 15. Section 130.90 of the penal law, as added by chapter 1 of the
19 laws of 2000, subdivisions 1 and 2 as amended by chapter 264 of the laws
20 of 2003, is amended to read as follows:

21 § 130.90 Facilitating a sex offense with a controlled substance.

22 A person is guilty of facilitating a sex offense with a controlled
23 substance when [~~he or she~~] such person:

24 1. knowingly and unlawfully possesses a controlled substance or any
25 preparation, compound, mixture or substance that requires a prescription
26 to obtain and administers such substance or preparation, compound,
27 mixture or substance that requires a prescription to obtain to another
28 person without such person's consent and with intent to commit against
29 such person conduct constituting a felony defined in this article; and

30 2. commits or attempts to commit such conduct constituting a felony
31 defined in this article.

32 Facilitating a sex offense with a controlled substance is a class D
33 felony, provided, however, that when a person is guilty of facilitating
34 a sex offense with a controlled substance against a correction officer
35 when such correction officer is acting in the course of such correction
36 officer's employment, facilitating a sex offense with a controlled
37 substance is a class C felony.

38 § 16. Section 130.95 of the penal law, as added by chapter 107 of the
39 laws of 2006, the opening paragraph and subdivision 2 as amended by
40 chapter 23 of the laws of 2024, is amended to read as follows:

41 § 130.95 Predatory sexual assault.

42 A person is guilty of predatory sexual assault when [~~he or she~~] such
43 person commits the crime of rape in the first degree, a crime formerly
44 defined in section 130.50 of this title, the crime of aggravated sexual
45 abuse in the first degree, or course of sexual conduct against a child
46 in the first degree, as defined in this article, and when:

47 1. In the course of the commission of the crime or the immediate
48 flight therefrom, [~~he or she~~] such person:

49 (a) Causes serious physical injury to the victim of such crime; or

50 (b) Uses or threatens the immediate use of a dangerous instrument; or

51 2. [~~He or she~~] Such person has engaged in conduct constituting the
52 crime of rape in the first degree, a crime formerly defined in section
53 130.50 of this title, the crime of aggravated sexual abuse in the first
54 degree, or course of sexual conduct against a child in the first degree,
55 as defined in this article, against one or more additional persons; or

1 3. [~~He or she~~] Such person has previously been subjected to a
2 conviction for a felony defined in this article, incest as defined in
3 section 255.25 of this [~~chapter~~] part or use of a child in a sexual
4 performance as defined in section 263.05 of this [~~chapter~~] part.
5 Predatory sexual assault is a class A-II felony, provided, however,
6 that when a person is guilty of predatory sexual assault against a
7 correction officer when such correction officer is acting in the course
8 of such correction officer's employment, predatory sexual assault is a
9 class A-I felony.
10 § 17. This act shall take effect immediately.