

FORCIBLE TOUCHING
(A Misdemeanor)
PENAL LAW 130.52
(Committed on or after February 1, 2001)
(Revised December 2, 2002)¹

The _____ count is Forcible Touching.

Under our law, a person is guilty of Forcible Touching when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of

Select appropriate alternative:

degrading or abusing such person.

gratifying the actor's sexual desire.

Under our law, it is also an element of this offense that the sexual act was committed without consent.²

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "forcible touching," and "intentionally."

FORCIBLE TOUCHING includes the squeezing, grabbing or pinching of such other person's sexual or other intimate parts.³

Intent means conscious objective or purpose. Thus, a person INTENTIONALLY forcibly touches the sexual or other

¹ This charge was revised on December 2, 2002 to include expressly that it is an element of this offense that the sexual act was committed "without consent."

² See Penal Law § 130.05(1).

³Penal Law § 130.52

intimate parts of another person when that person's conscious objective or purpose is to do so.⁴

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in this case, beyond a reasonable, both of the following two elements:

1. That on or about (date), in the county of (County), the defendant (defendant's name), forcibly touched the sexual or other intimate parts of (complainant's name), without his /her consent,

Note: Select appropriate alternative:

for the purpose of degrading or abusing (complainant's name); and

or

for the purpose of gratifying (defendant's name) sexual desire; and

2. That he/she did so intentionally and for no legitimate purpose.

Therefore, if you find that the People have proven beyond a reasonable doubt, both of those elements, you must find the defendant guilty of the crime of Forcible Touching as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Forcible Touching as charged in the _____ count.

⁴Penal Law §15.05(1).

