

## MEMORANDUM OF SUPPORT

A.8751 Rosenthal/No Same As

### FORCIBLE/UNWANTED TOUCHING - REMOVE THE NEED TO PROVE INTENT

*The New York State Coalition Against Domestic Violence (NYSCADV) supports this legislation which would modify the offense of forcible touching by removing the need to prove intent and renaming the offense to unwanted touching.*

#### **NYSCADV SUPPORTS REMOVING THE NEED TO PROVE INTENT AND RENAMING THE OFFENSE**

Currently, New York State's forcible touching law has a loophole that would potentially allow perpetrators to avoid prosecution. The law requires that in order to prove forcible touching, victims have to prove that the perpetrator touched them with the intent to gratify their sexual desire or to degrade or abuse the victim. As a result, perpetrators of sexual assault, harassment, and abuse attempt to avoid prosecution by claiming that their unwanted touching was for reasons other than those stated previously.

**Victims of sexual assault and harassment should not have to prove intent** in order to prove that the touch was unwanted. To do so would be putting victims through a terrible ordeal as well as putting them at risk for re-victimization. This legislation would amend the law so that as long as a person is touched inappropriately against their will it will be unlawful, thus removing the need to have to prove intent. It will also appropriately rename the offense of forcible touching to unwanted touching as well as expand the definition to better protect victims.

**NYSCADV urges you to support this important measure that would prevent the need for victims to ascertain the intent of perpetrators to abuse or degrade in order to prove that the assault was unwanted.**

#### **ABOUT THE NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE**

Established in 1978, the New York State Coalition Against Domestic Violence (NYSCADV) is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Connie Neal, Executive Director, 518.482.5465

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