



®

YESHIVA UNIVERSITY

Annual Security Report

October 1, 2023

Brookdale Center

Benjamin N. Cardozo School of Law

Greenwich Village section of Manhattan

<u>Reporting Missing Students</u>	26
<u>Designation of a Contact Person</u>	26
<u>Mandatory Notifications</u>	26

ABOUT THE ANNUAL SECURITY REPORT

This Annual Security Report (this “Report”) is prepared by Yeshiva University (the “University” or “YU”) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “

MESSAGE FROM THE SECURITY DEPARTMENT

Campus safety and security is a shared responsibility. The best protection against campus crime is an aware, informed and alert campus community; students, faculty and staff who use reason and caution; and a proactive security presence. The vast majority of the University's students, faculty, staff and visitors will never experience crime during their time at the University. However, despite the University's best efforts, crimes may still occur. The University is committed to maintaining a safe and secure campus. If you have any concerns, questions or comments about the University's campus safety and security programming, please contact the Chief of Security at 212-960-5221.

REPORTING CRIMES, SERIOUS INCIDENTS, AND OTHER EMERGENCIES

As a non-profit institution, the University recognizes that it is essential for all members of the University community to maintain the highest ethical standards of conduct and integrity. It is important for a University community member to act immediately in suspected cases of abuse or other crimes, or in a circumstance where a member finds himself/herself either a victim or a witness to questionable activity. In such situations:

- x If immediate emergency assistance is required, or a crime is in progress, dial 9-1-1 to call the NYPD.
- x For a non-emergency situation, call the Cardozo School of Law Security Department at 212-790-0303 or 212-790-0308. The Security Department can help assess the situation and determine what other notification or action is necessary.
- x Information on potential criminal activity also may be reported anonymously to the University's confidential Compliance Hotline by calling the toll-free hotline at 899 Td-(ee)TJ6

The University encourages any victim of a crime committed on campus to report the crime to the Cardozo School of Law Security Department at 212-790-0303 or 212-790-0308, or other campus security authorities. If requested by the victim and to the extent permitted by applicable law, the University will endeavor to keep confidential the identity of the victim. Reporting the crime to the University will enable it to keep accurate records of the number of crimes committed on campus, determine if there is a pattern of crime with regard to a particular location, method or assailant, and alert the other members of the campus community to potential danger, thereby assisting the University's efforts to protect the members of the campus community. Reports are counted and disclosed in the annual crime statistics for the University.

Pastoral and Professional Counselors

"Pastoral Counselors" and "Professional Counselors", when acting as such, are not considered to be "campus security authorities" and are not required to report crimes for the purpose of investigating or inclusion in the University's annual crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the University's annual crime statistics or otherwise to the appropriate law enforcement agency.

A "Pastoral Counselor" is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

Emergency Response Policy

As required by federal law, Yeshiva University has established the following procedures to address emergency situations requiring immediate notification to the campus community.

The University employs separate procedures that govern timely warnings of campus crimes that are sent to the campus community. This policy applies only in situations where the Emergency Response Group (as defined below) determines that there is an immediate threat of danger to the campus community.

Immediate Notification

Immediate notification will be used in only those situations (e.g., severe weather, major fires and serious crimes) that occur on campus and involve an imminent threat to the health or safety of students or staff.

In the event of a significant emergency or dangerous event requiring immediate notification, the University will employ an alert system that includes any ~~org~~ that (ity)1 (i 0.002fn TD(s)2 68EMC 4 (Universiyos
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The Office of the President (including the Chief of Staff), as well as the Vice President of Business Affairs, the Vice President for Legal Affairs, the Provost, the Vice President of Communications, the Chief Human Resources Officer, and the Dean of Students (collectively, the “Emergency Response Notification Group”), also will be immediately notified of any emergency or dangerous situation and, as appropriate, consulted in making any such determinations.

The police and other emergency personnel will be contacted as appropriate.

Alert System

The University maintains multiple systems for alerting students and staff about campus emergencies. The University provides alert messages to the campus community, via the YU ALERT system. To receive the above notifications, students and staff are strongly encouraged to register their cell phones, text devices, PDAs and land-line phones by visiting www.yu.edu/yualert.

Emergency alerts are also sent to email addresses ending in “yu.edu.”

Annual Testing

The Security Department is responsible for testing the University’s emergency response and evacuation procedures at least once per year. These tests may be announced or unannounced. The Security Department is responsible for maintaining documentation for each test, including a description of the exercise, the date and time of the exercise, and whether the drill was announced or unannounced. The University will publicize (generally via e-mail but at times it also may use other forms of communication) its emergency response policy and emergency response procedures to all current students and staff in conjunction with at least one test per year.



Daily Crime and Fire Safety Log

The Security Department office on each campus and Ferkauf/Katz maintains a Daily Crime Log and Fire Safety Log for such campus/Ferkauf-Katz

employees of the University; however, a complaint that such a person engaged in a violation of the Policy will be investigated in accordance with the Policy as will a complaint of Other Sexual Misconduct made to the University by a third party if such complaint is connected to the University's educational programs or activities. At the time of filing a complaint of Title IX Sexual Harassment, a complainant must be participating in, or attempting to participate in, the University's education programs or activities.

Where Applicable

The Policy is intended to protect all aforementioned people and applies to conduct that occurs on University premises and/or at University-sponsored and affiliated activities and events, whether on University premises or at other locations, including, but not limited to, overnight trips, sporting events and practices, study abroad programs, service learning programs, internships and external business meetings, and to all forms/uses of technology by all individuals covered by the Policy.

The prohibition against Title IX Sexual Harassment applies to conduct that occurs in the United States in the University's education programs and activities. Education programs and activities include locations, events or circumstances where the University exercised substantial control over both the person accused of misconduct and the context in which the harassment

under its prohibition against Other Sexual Misconduct. This captures any unwelcome or unwanted sexual advances, requests for sexual favors, or other verbal, physical, demonstrative, or electronic conduct or communication of a sexual nature, or which is directed at an individual because of that individual's sex, but falls outside the scope of Title IX Sexual Harassment.

Title IX Coordinator (per Title IX of the Higher Education Act of 1972 ("Title IX"))

been confided in or having heard about it in some other fashion, of a violation of the Policy must report the incident, even if the actual victim of such discrimination or harassment is not interested in filing a formal complaint.

Anyone who has been the victim of a crime may (but is not required to) initiate a complaint with the local police department as well as with the University. Should an individual decide to file a complaint with the police, the University will support such individual in doing so. Regardless of whether such person wants to make a complaint to either the University or the local police, he/she should promptly seek medical attention both to address his/her own health and to preserve potential evidence should he/she later decide to file charges or obtain a protective order. The University can help guide a victim through the process of obtaining a judicial order of protection and/or University-issued “no contact” order.

The University system and police/legal system work independently from one another. Because the standards for finding a violation of criminal law are different from the standards in the Policy, criminal investigations or reports are not determinative of whether or not misconduct under the Policy has occurred. The University will cooperate with police investigations, but will not delay its investigation of a complaint in the absence of extenuating circumstances and will conduct its investigation simultaneously with any police/legal system investigation.

The University’s first and foremost concern for anyone who has been the victim of a crime is their physical safety. Thus, if anyone is feeling physically unsafe, he/she should immediately call the Security Department, the local police precinct or 911 for assistance.

In addition, if such person is in need of immediate medical treatment, he/she should go to the nearest hospital emergency room, or call 911 or Hatzalah Volunteer Ambulance Corps at (212) 230-1000. The University is well aware of the emotional trauma often suffered by a victim of sexual violence, and therefore it has designated trained counselors in its Counseling Center to serve as sexual assault coordinators for the University. They can be reached by calling (646) 592-4210 (Beren/Cardozo Campus) or (646) 592-4200 (Wilf Campus) (or emailing counseling@yu.edu) and asking for a sexual assault coordinator. These counselors can offer advice and support on a confidential basis as the victim begins to make choices regarding how to proceed

Following a determination to pursue a formal resolution of the complaint, the Title IX Coordinator or Deputy Title IX Coordinator will provide detailed notice to the parties. An investigator will promptly, fully, fairly and impartially investigate the complaint, and each party will have equitable opportunities to present witnesses, and review and present information and relevant inculpatory and exculpatory evidence.

The parties are entitled to be accompanied by an advisor of their choice during any meeting or proceeding related to the formal complaint. The advisor will have the same opportunity as the party to inspect and review evidence and any written reports. During the investigation portion, an advisor may not speak on behalf of a party.

The Investigator will seek to conclude the investigation as soon as practicable after receipt of the formal complaint. The Investigator is responsible for gathering information sufficient to reach a determination about the respondent's responsibility. The Investigator will review all information gathered or provided by the parties and will determine the respondent's responsibility. (b) (5) - (D)

Each party must have an advisor accompany them to the hearing. The University will provide an advisor, without fee, to any party who does not have one. At the hearing, the advisor will have the opportunity to ask relevant questions and follow-up questions of any party or witness (sometimes referred to as “cross-examination”), including those challenging credibility. Only an advisor may conduct the cross-examination – a party may not do so.

The Title IX Coordinator or Deputy Title IX Coordinator will provide detailed notice to the parties. The complaint will be fully, fairly and impartially investigated by a designated investigator, and

becoming a victim, is being victimized, or has been victimized, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively.

Do's:

- x Remind friends that affirmative consent is required and it is the difference between sex and sexual assault and that someone can be too intoxicated to consent.
- x Take the initiative to help friends who aren't thinking clearly from becoming targets of violence (or) take steps to stop a friend who chooses to use violence.
- x When possible, prevent an intoxicated friend/person from going to a private location with an acquaintance or friend.
- x Contact the Security Department, the Title IX Coordinator or a Deputy Title IX Coordinator, or another person of authority who can assist.

Don'ts:

- x Let friends engage in activities, such as excessive alcohol/drug consumption, that impedes judgment and that therefore could lead to actions, including sexual advances, that are unwelcome and/or endanger the rights, safety, and well-being of others.
- x Let friends walk/run alone in secluded areas or at night.
- x Leave a friend or acquaintance alone at a party.
- x Leave residence hall doors unlocked.
- x Let friends drink to the point of impairment.
- x Place yourself in a vulnerable situation where you are unable to voice consent.

Sexual Assault Forensic Examinations (SAFE)

The University has a Memorandum of Understanding (MOU) with Mount Sinai Beth Israel – Petrie Division (Manhattan) located at First Avenue at 16th Street, New York, NY 10003 (main phone: (212) 420-2000) regarding services to sexual assault victims. The Petrie Division has a Sexual Assault Forensic Examiner Program, and is a designated SAFE Center of Excellence. Emergency care and support is available 24 hours/7 days a week, and a Victim Service Program social worker or volunteer advocate is on call at all times.

External Remedies for Employees

Sexual harassment in the employment context is not only prohibited by the University but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the University, employees may also choose to pursue legal remedies with the New York State Division of Human Rights (DHR), the United States Equal Employment Opportunity Commission (EEOC), their county, city or town, or with the local police department.

Supportive Measures

The Title IX Coordinator is responsible for the effective implementation of supportive measures. Supportive measures are non-disciplinary, non-punitive, individualized services offered as

appropriate, as reasonably available, and without fee or charge to the alleged victim, the reporting individual (if different than the alleged victim), the respondent (i.e., the person against whom a report has been filed), and all third party witnesses at any point. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact (i.e., “no contact” orders), changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator will consider the individual’s wishes with respect to implementing supportive measures, and will notify individuals of the availability of supportive measures with or without filing a formal complaint.

Confidentiality

Information gathered during the informal or formal investigation process will be handled by the University with due diligence and care. Discreet inquiry, corrective counseling, and trust will be stressed by the University in dealing with all complaints. Records and information concerning complaints will be kept confidential to the greatest extent possible, and the University will comply with all applicable laws in maintaining the confidentiality of the investigation. However, subject to applicable laws, the University cannot guarantee complete confidentiality where it would conflict with the University’s obligations to ensure a safe, non-discriminatory and harassment-free environment. For example, under conditions of potential imminent harm to the community, the University may be required by federal law to inform the community of the occurrence of an incident of sexual violence (but would not identify the victim). In addition, consistent with law, information regarding violations of this Policy may be shared among University personnel as appropriate and necessary.

Complainant Request for Confidentiality

Under the formal resolution process for complaints involving Title IXot (ent)5.1 (At (e)5 (rt.-0.00(as)2 (s)2 (

The Policy prohibits retaliation against any individual who reports or complains of sexual harassment or other discrimination and/or participates in the investigation of a complaint or resolution of an incident, including those who testify or assist in any proceeding related to a complaint or incident, even if the complaint or incident is unsubstantiated.

Time Limits

The University will exercise due diligence in complying with the stated time limits set forth in the Policy. However, stated time limits may be extended depending on the nature of the allegations, the time of year, and any other unforeseen or extenuating circumstance.

Transcript Notations

Students suspended or expelled for committing an act of sexual assault, stalking, domestic violence, dating violence, or a “violent crime,” as defined by the Clery Act, will have a notation placed on their transcript as follows: “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.”

Education/Training

University Community. As part of the University’s

Support Resources (Confidential and Non-Confidential Support)

Confidential University Resources

A report made to the following University resources will not trigger an investigation by the University:

- x **University Counseling Centers** - [http://www.yu.edu/student-life/counseling/Beren/Cardozo Campus Counseling Center](http://www.yu.edu/student-life/counseling/Beren/Cardozo%20Campus%20Counseling%20Center)
215 Lexington Ave, Suite 339
(646) 592-4210
counseling@yu.edu

Wilf Campus Counseling Center

500 West 185th Street, FH 520
(646) 592-4200
counseling@yu.edu

Counselors at these centers can offer advice and support on a confidential basis as the victim begins to make choices regarding how to proceed post-assault.

Non-Confidential University Resources

A report also may be made to the University's Title IX Coordinator or a Deputy Title IX Coordinator, Security Department, Dean of Students, or other campus security authorities, howeP(r)1 (Tc -0.001 Tw [h)3

Sexual Assault Prevention Programming

Primary Prevention Programming

The University requires all incoming first-year students to successfully complete an e-Learning program concerning issues of sexual violence, including sexual assault, domestic violence, dating violence, and stalking, and makes this e-Learning workshop (as well as other programs) available to all of its other students.

Employees are required to complete a sexual harassment prevention training program prior to commencement of employment and on an annual basis.

Ongoing Prevention Programming

From time to time, the University provides educational programs and workshops to its students to promote the awareness of sex offenses and the availability of victim counseling services. At times the University has also offered programs and workshops regarding domestic violence, bystander intervention, and building healthy relationships. These programs may be conducted by the University's Counseling Center, Title IX staff members, or third parties, such as Shalom Task Force and SOVRI/Beth Israel Medical Center. Such programs may also be attended by employees.

The University continually reviews its policies, procedures and preventative education programs to ensure compliance with applicable law, including the requirements imposed by the Violence Against Women Reauthorization Act of 2013 and New York Education Law Article 129-B.

Campus Sex Crimes Prevention Act

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and FERPA, the University is providing a link to the New York State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex

behavior that is in violation of the University's policies on substance abuse and alcoholic beverages. Detailed information about the University's policies and procedures regarding the use/abuse of alcohol and other drugs by students, faculty and staff can be found in "YESHIVA UNIVERSITY POLICY ON DRUGS AND ALCOHOL," which document is available on-line on the University's website at:

https://www.yu.edu/sites/default/files/legacy//uploadedFiles/Offices_and_Services/HR/Working_at_YU/policies/DrugPolicy9232014.pdf (the "Drug and Alcohol Policy"). The Drug and Alcohol Policy is also distributed by the University to all students and employees. The University has other policies and prohibitions regarding both illegal substances and alcohol use which can be found on the University's website. It should be noted that it is unlawful to sell, furnish or provide alcohol to a person under the age of 21 in New York State. Copies of the Drug and Alcohol Policy are available in the Security Department office (55 Fifth Avenue (Basement)).

In summary, the Drug and Alcohol Policy provides:

- x The unlawful possession, manufacture, dispersing, use, or distribution of illicit drugs at any University facility or in connection with any University activity is prohibited.
- x Being under the influence of illicit drugs during working hours, or when classes are in session, or while engaged in any University activity is prohibited.
- x Persons under the age of 21 years are prohibited from possessing or consuming any alcoholic beverage at any University f

The policy does not apply to students residing in apartments or other residences not leased or licensed from YU.

The policy is also available on-line on the University's website at: <http://www.yu.edu/safety->

reported to the Security Department and the other campus security authorities during the indicated period relating to the Brookdale Center. (Additional copies of this Report are available at the Security Department office, 55 Fifth Avenue (Basement)).

The statistics are printed as reported to the Security Department. The statistics were valid at publication, but may not reflect current trends.

Clery Act Crime Definitions

Criminal Homicide

- x Murder and nonnegligent manslaughter The willful (non-negligent) killing of one human being by another.
- x Negligent manslaughter The killing of another person through gross negligence.

Sex Offenses

Forcible Sex Offenses

- x Forcible rape -The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth). e(h)3.h

and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Muslim, Protestants, atheists).

- o Sexual orientation. A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- o Gender Identity/National Origin. Involves intentional selection of a victim based on actual or perceived characteristics.
- o Ethnicity/national origin. A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- o Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Other Offenses

- x Liquor law violations - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)
- x Drug abuse violations Violations of state and local a(i)-64

person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

Dating violence - means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

- x Like domestic violence, dating violence includes a pattern of abusive behavior that one person intentionally uses to gain or maintain power and control over another person. Dating violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior 5 ande gec.ev..98

- x Public Property- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

(See the Annual Security Report for the Beren Campus for information relating to The Benjamin residence hall.)

Hate Crimes

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

Domestic Violence, Dating Violence and Stalking

Offense	Year	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing Facilities†
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

†

SECURITY AND FIRE SAFETY POLICIES FOR YUI

Hate Crimes (YUI)

There were no reported hate crimes for the years 2020, 2021 or 2022.

Domestic Violence, Dating Violence and Stalking (YUI)

Offense	Year	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing Facilities [§]
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Note: YUI's Bylaws pursuant to the Prevention of Sexual Harassment Law can be found at: <https://www.yu.edu/jll/israel>.

Fire Statistics (YUI)

Residence Halls - YUI 40 Duvdevani Street	Year	Fires and Cause	Injuries	Deaths	Value of Damages
Kollel Apartments	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Torat Shraga Dorm	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Kollel Married Apartments	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

[§] The "On-Campus Student Housing Facilities" category is a subset of the "On-Campus Property" category.

Important telephone numbers and e-mail addresses:

- x **EMERGENCY- 911**
- x **Hatzolah Volunteer Ambulance Corp. - (212) 230-1000**
- x Cardozo School of Law Security Department
Paul Murtha, Chief of Security
50 East 34th Street, 1st Floor
Telephone: 917.326.4885
Fax: 917.326.4997
security@yu.edu
- x Cardozo School of Law Dean of Students
Jennifer S. Kim
Telephone: 646.592.6421
Jennifer.Kim@yu.edu
- x Cardozo School of Law Office of Student Services and Advising
Telephone: 646.592.6420
- x Vice Provost of Student Affairs / Title IX Coordinator
Chaim Nissel, Psy.D.
Telephone: 646.592.4201
drnissel@yu.edu
- x Deputy Title IX Coordinators

Ann Todd, Esq. - (646) 592-4624 – ann.todd@yu.edu (specializing in sexual assault and sexual harassment)
(Human Resources) Ms. Renee Coker - (646) 592-4336 - renee.coker@yu.edu
Mr. Joe Bednarsh - (646) 592-4615 - joe.bednarsh@yu.edu
(Cardozo) Ms. Jennifer S. Kim - (646) 592-6421 – jennifer.kim@yu.edu
- x Human Resources Department
Julie Auster, Chief Human Resources Officer
Wilf Campus – Belfer Hall
2495 Amsterdam Avenue
New York NY 10033
Telephone: 646.592.4335
Julie.auster@yu.edu
- x Beren/Cardozo Counseling Center
215 Lexington Avenue, Suite 339
Telephone: 646.592.4210
counseling@yu.edu

CRIMINAL SEXUAL ACT IN THE SECOND DEGREE: When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

CRIMINAL SEXUAL ACT IN THE FIRST DEGREE: When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

FORCIBLE TOUCHING: When a person intentionally, and for no legitimate purpose, 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. It includes squeezing, grabbing, or pinching.

PERSISTENT SEXUAL ABUSE: When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

SEXUAL ABUSE IN THE THIRD DEGREE: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

SEXUAL ABUSE IN THE SECOND DEGREE: When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

AGGRAVATED SEXUAL ABUSE: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE: When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b)

when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

STALKING IN THE FOURTH DEGREE: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

STALKING IN THE THIRD DEGREE: When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

STALKING IN THE SECOND DEGREE: When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an

