

STATE OF NEW YORK

8261

IN SENATE

May 1, 2020

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

AN ACT to amend the penal law and the criminal procedure law, in relation to establishing the crime of intentional exposure to communicable disease and making such crime a qualifying offense for the purposes of pre-trial detention

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 120.19 to
2 read as follows:

3 § 120.19 Intentional exposure to communicable disease.

4 A person is guilty of intentional exposure to communicable disease
5 when, knowing that he or she is a carrier of a communicable disease as
6 defined in section two of the public health law, he or she knowingly and
7 deliberately exposes another individual to such communicable disease in
8 a manner likely to cause transmission.

9 Intentional exposure to communicable disease is a class E felony.

10 § 2. Paragraphs (h) and (i) of subdivision 4 of section 510.10 of the
11 criminal procedure law, as added by section 2 of part JJJ of chapter 59
12 of the laws of 2019, are amended to read as follows:

13 (h) criminal contempt in the second degree as defined in subdivision
14 three of section 215.50 of the penal law, criminal contempt in the first
15 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
16 the penal law or aggravated criminal contempt as defined in section
17 215.52 of the penal law, and the underlying allegation of such charge of
18 criminal contempt in the second degree, criminal contempt in the first
19 degree or aggravated criminal contempt is that the defendant violated a
20 duly served order of protection where the protected party is a member of
21 the defendant's same family or household as defined in subdivision one
22 of section 530.11 of this article; ~~[or]~~

23 (i) facilitating a sexual performance by a child with a controlled
24 substance or alcohol as defined in section 263.30 of the penal law, use
25 of a child in a sexual performance as defined in section 263.05 of the

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

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1 penal law or luring a child as defined in subdivision one of section
2 120.70 of the penal law; or

3 (j) intentional exposure to communicable disease as defined in section
4 120.19 of the penal law.

5 § 3. Subparagraphs (viii) and (ix) of paragraph (b) of subdivision 1
6 of section 530.20 of the criminal procedure law, as added by section 16
7 of part JJJ of chapter 59 of the laws of 2019, are amended to read as
8 follows:

9 (viii) criminal contempt in the second degree as defined in subdivi-
10 sion three of section 215.50 of the penal law, criminal contempt in the
11 first degree as defined in subdivision (b), (c) or (d) of section 215.51
12 of the penal law or aggravated criminal contempt as defined in section
13 215.52 of the penal law, and the underlying allegation of such charge of
14 criminal contempt in the second degree, criminal contempt in the first
15 degree or aggravated criminal contempt is that the defendant violated a
16 duly served order of protection where the protected party is a member of
17 the defendant's same family or household as defined in subdivision one
18 of section 530.11 of this article; ~~or~~

19 (ix) facilitating a sexual performance by a child with a controlled
20 substance or alcohol as defined in section 263.30 of the penal law, use
21 of a child in a sexual performance as defined in section 263.05 of the
22 penal law or luring a child as defined in subdivision one of section
23 120.70 of the penal law; or

24 (x) intentional exposure to communicable disease as defined in section
25 120.19 of the penal law.

26 § 4. Paragraphs (h) and (i) of subdivision 4 of section 530.40 of the
27 criminal procedure law, as added by section 18 of part JJJ of chapter 59
28 of the laws of 2019, are amended to read as follows:

29 (h) criminal contempt in the second degree as defined in subdivision
30 three of section 215.50 of the penal law, criminal contempt in the first
31 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
32 the penal law or aggravated criminal contempt as defined in section
33 215.52 of the penal law, and the underlying allegation of such charge of
34 criminal contempt in the second degree, criminal contempt in the first
35 degree or aggravated criminal contempt is that the defendant violated a
36 duly served order of protection where the protected party is a member of
37 the defendant's same family or household as defined in subdivision one
38 of section 530.11 of this article; ~~or~~

39 (i) facilitating a sexual performance by a child with a controlled
40 substance or alcohol as defined in section 263.30 of the penal law, use
41 of a child in a sexual performance as defined in section 263.05 of the
42 penal law or luring a child as defined in subdivision one of section
43 120.70 of the penal law; or

44 (j) intentional exposure to communicable disease as defined in section
45 120.19 of the penal law.

46 § 5. This act shall take effect on the thirtieth day after it shall
47 have become a law.