S T A T E O F N E W Y O R K

1332

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. RABBITT, KOLB, ERRIGO, FINCH, McDONOUGH -- Multi-Sponsored by -- M. of A. BURLING, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of aggravated harassment of an employee

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 240.32 of the penal law, as separately amended by chapters 422 and 441 of the laws of 2000, is amended to read as follows:

S 240.32 Aggravated harassment of an employee by an inmate OR A RESPONDENT.

An inmate or respondent is guilty of aggravated harassment of an employee by an inmate OR A RESPONDENT when, with intent to harass, annoy, threaten or alarm a person in a facility whom he knows or reasonably should know to be an employee of such facility or the division of parole or the office of mental health, or a probation department, bureau or unit or a police officer, he causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

For purposes of this section, "inmate" means an inmate or detainee in a correctional facility, local correctional facility or a hospital, as such term is defined in subdivision two of section four hundred of the correction law. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the office of children and family services who is placed with or committed to the office of children and family services OR AN INDIVIDUAL WHO IS PLACED WITH OR ADMITTED TO A SECURE FACILITY OPERATED AND MAINTAINED BY THE OFFICE OF MENTAL HEALTH AND TO WHICH SECURITY HOSPITAL TREATMENT ASSISTANTS ARE ASSIGNED. For purposes of this section, "facility" means a correctional facility or local correctional facility, hospital, as such term is

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

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defined in subdivision two of section four hundred of the correction law, or a secure facility operated and maintained by the office of children and family services, OR A SECURE FACILITY OPERATED AND MAINTAINED BY THE OFFICE OF MENTAL HEALTH AND TO WHICH SECURITY HOSPITAL TREATMENT ASSISTANTS ARE ASSIGNED.

Aggravated harassment of an employee by an inmate OR A RESPONDENT is a class E felony.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.