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

744

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, PHEFFER, SPANO, CROUCH, WALKER -- Multi-Sponsored by -- M. of A. MAGEE, McKEVITT -- read once and referred to the Committee on Codes

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

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

Section 1. The first undesignated paragraph of 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:

An inmate or respondent is guilty of aggravated harassment of an employee by an inmate when, with intent to harass, annoy, threaten or alarm a person in a facility whom he OR SHE 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 OR SHE causes or attempts to cause such employee to come into contact with blood, SALIVA, seminal fluid, urine or feces, OR OTHER BODILY SECRETION OR EXCRETION OR THE CONTENTS OF A TOILET BOWL, by throwing, tossing [or], EXPECTORATING, expelling OR PLACING such fluid or material AT OR ON SUCH EMPLOYEE.

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

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

LBD02180-01-9