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

677

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. MAGNARELLI, PHEFFER, MAISEL, GUNTHER -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, GALEF, MARKEY, MAYER-SOHN, MORELLE, SCHIMMINGER, SWEENEY, WEISENBERG -- 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 by an inmate

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.
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] THE STATE, A MUNICIPAL CORPORATION, LOCAL GOVERNMENTAL AGENCY, ANY POLITICAL SUBDIVISIONS OR PUBLIC AUTHORITY, he OR SHE causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine [or], feces, SALIVA, SPIT OR SPUTUM, 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. For purposes of this section, "facility" means a correctional facility or local correctional facility, hospital, as such term is defined in subdivision two of section four hundred

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

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of the correction law, or a secure facility operated and maintained by the office of children and family services.

Aggravated harassment of an employee by an inmate 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.