

# STATE OF NEW YORK

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1238

2017-2018 Regular Sessions

## IN SENATE

January 6, 2017

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Introduced by Sens. ORTT, GALLIVAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

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

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 240.32 of the penal law, as amended by section  
2 127-p of subpart B of part C of chapter 62 of the laws of 2011, the  
3 opening paragraph as amended by chapter 180 of the laws of 2013, is  
4 amended to read as follows:

5 § 240.32 Aggravated harassment of an employee by an inmate.

6 An inmate or respondent is guilty of aggravated harassment of an  
7 employee by an inmate when, with intent to harass, annoy, threaten or  
8 alarm a person in a facility whom he or she knows or reasonably should  
9 know to be an employee of such facility or the board of parole or the  
10 office of mental health, or a probation department, bureau or unit or a  
11 police officer, he or she causes or attempts to cause such employee to  
12 come into contact with blood, seminal fluid, urine, feces, or the  
13 contents of a toilet bowl[~~, by throwing, tossing or expelling such fluid~~  
14 ~~or material~~].

15 For purposes of this section, "inmate" means an inmate or detainee in  
16 a correctional facility, local correctional facility or a hospital, as  
17 such term is defined in subdivision two of section four hundred of the  
18 correction law. For purposes of this section, "respondent" means a juve-  
19 nile in a secure facility operated and maintained by the office of chil-  
20 dren and family services who is placed with or committed to the office  
21 of children and family services. For purposes of this section, "facili-  
22 ty" means a correctional facility or local correctional facility, hospi-  
23 tal, as such term is defined in subdivision two of section four hundred  
24 of the correction law, or a secure facility operated and maintained by  
25 the office of children and family services.

26 Aggravated harassment of an employee by an inmate is a class E felony.

27 § 2. This act shall take effect immediately.

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

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