STATE OF NEW YORK

8111

IN SENATE

March 29, 2018

Introduced by Sen. LANZA -- (at request of the Office of Court Administration) -- 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 the offenses committed by a defendant in a criminal proceeding against court employees

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

Section 1. The penal law is amended by adding a new section 240.33 to read as follows:

§ 240.33 Aggravated harassment of a court officer by an accused.

A person who stands charged with a criminal offense is guilty of aggravated harassment of a court officer by an accused when, with intent to harass, annoy, threaten or alarm a person in a courthouse whom he or she knows or reasonably should know to be a court officer, he or she causes or attempts to cause such court officer to come into contact with blood, seminal fluid, urine, feces, or the contents of a toilet bowl, by throwing, tossing or expelling such fluid or material.

For purposes of this section, a court officer means a uniformed court officer of the unified court system, and a person charged with a criminal offense means a defendant against whom a criminal action is pending.

Aggravated harassment of a court officer by an accused is a class E felony.

§ 2. Paragraph (e) of subdivision 3 of section 70.06 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(e) For a class E felony, the term must be at least three years and must not exceed four years; provided, however, that where the sentence is for the class E felony [~~offense~~] **offenses** specified in [~~section~~] **sections** 240.32 **and 240.33** of this chapter, the maximum term must be at least three years and must not exceed five years.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that the amendments to subdivision 3 of section 70.06 of the penal law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

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