

# 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:

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

3 § 240.33 Aggravated harassment of a court officer by an accused.

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

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

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

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

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

24 § 3. This act shall take effect on the ninetieth day after it shall  
25 have become a law, provided, however, that the amendments to subdivision  
26 3 of section 70.06 of the penal law made by section two of this act  
27 shall not affect the expiration of such subdivision and shall be deemed  
28 to expire therewith.

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

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