

STATE OF NEW YORK

9543

IN SENATE

August 31, 2022

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to the crime of aggravated criminal contempt

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

1 Section 1. Section 215.52 of the penal law, as amended by chapter 350
2 of the laws of 2006, is amended to read as follows:

3 § 215.52 Aggravated criminal contempt.

4 A person is guilty of aggravated criminal contempt when:

5 1. in violation of a duly served order of protection, or such order of
6 which the defendant has actual knowledge because he or she was present
7 in court when such order was issued, or an order of protection issued by
8 a court of competent jurisdiction in another state, territorial or
9 tribal jurisdiction, he or she intentionally or recklessly causes phys-
10 ical injury or serious physical injury to a person for whose protection
11 such order was issued; or

12 2. he or she commits the crime of criminal contempt in the first
13 degree as defined in subdivision (b) or (d) of section 215.51 of this
14 article and has been previously convicted of the crime of aggravated
15 criminal contempt; or

16 3. he or she commits the crime of criminal contempt in the first
17 degree, as defined in paragraph (i), (ii), (iii), (v) or (vi) of subdi-
18 vision (b) or subdivision (c) of section 215.51 of this article, and has
19 been previously convicted of the crime of criminal contempt in the first
20 degree, as defined in such subdivision (b), (c) or (d) of section 215.51
21 of this article, within the preceding five years; or

22 4. he or she commits the crime of criminal contempt in the second
23 degree as defined in subdivision three of section 215.50 of this article
24 while confined in a correctional facility or local correctional facili-
25 ty, as defined in subdivision three of section forty of the correction
26 law.

27 Aggravated criminal contempt is a class D felony.

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

LBD16186-01-2

1 § 2. Section 70.25 of the penal law is amended by adding a new subdi-
2 vision 2-h to read as follows:

3 2-h. When a person is convicted of aggravated criminal contempt in
4 violation of subdivision four of section 215.52 of this chapter, commit-
5 ted after arraignment but prior to the imposition of sentence on a pend-
6 ing felony charge, and if an indeterminate or determinate sentence of
7 imprisonment is imposed in each case, such sentences shall run consec-
8 utively.

9 § 3. This act shall take effect immediately.