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:

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

§ 215.52 Aggravated criminal contempt.

A person is guilty of aggravated criminal contempt when:

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

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

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

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

Aggravated criminal contempt is a class D felony.

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

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

2-h. When a person is convicted of aggravated criminal contempt in violation of subdivision four of section 215.52 of this chapter, committed after arraignment but prior to the imposition of sentence on a pending felony charge, and if an indeterminate or determinate sentence of imprisonment is imposed in each case, such sentences shall run consecutively.

§ 3. This act shall take effect immediately.