

# STATE OF NEW YORK

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2211

2023-2024 Regular Sessions

## IN SENATE

January 19, 2023

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Introduced by Sen. O'MARA -- 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 including the throwing, tossing or expelling of saliva at or on an employee of a correctional facility within the crime of aggravated harassment of an employee by an incarcerated individual

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

1 Section 1. The opening paragraph of section 240.32 of the penal law,  
2 as amended by chapter 322 of the laws of 2021, is amended to read as  
3 follows:  
4 An incarcerated individual or respondent is guilty of aggravated  
5 harassment of an employee by an incarcerated individual when, with  
6 intent to harass, annoy, threaten or alarm a person in a facility whom  
7 he or she knows or reasonably should know to be an employee of such  
8 facility or the board of parole or the office of mental health, or a  
9 probation department, bureau or unit or a police officer, he or she  
10 causes or attempts to cause such employee to come into contact with  
11 blood, seminal fluid, urine, feces, saliva, or the contents of a toilet  
12 bowl, by throwing, tossing or expelling such fluid or material.  
13 § 2. This act shall take effect on the sixtieth day after it shall  
14 have become a law.

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

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