

# STATE OF NEW YORK

3121

2023-2024 Regular Sessions

## IN SENATE

January 27, 2023

Introduced by Sen. MANNION -- 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 first responders coming into contact with saliva by spitting, throwing, tossing or expelling from or by an individual

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

1 Section 1. Subdivision 5 of section 240.30 of the penal law is renum-  
2 bered subdivision 6 and a new subdivision 5 is added to read as follows:

3 5. With the intent to harass, annoy, threaten or alarm another person  
4 whom he or she knows or reasonably should know to be a first responder,  
5 he or she causes or attempts to cause such first responder to come into  
6 contact with saliva by spitting, throwing, tossing or expelling such  
7 fluid; or

8 § 2. The opening paragraph of section 240.32 of the penal law, as  
9 amended by chapter 322 of the laws of 2021, is amended to read as  
10 follows:

11 An incarcerated individual or respondent is guilty of aggravated  
12 harassment of an employee or first responder by an incarcerated individ-  
13 ual when, with intent to harass, annoy, threaten or alarm a person in a  
14 facility whom he or she knows or reasonably should know to be an employ-  
15 ee of such facility or the board of parole or the office of mental  
16 health, or a probation department, bureau or unit or a police officer or  
17 a first responder, he or she causes or attempts to cause such employee  
18 to come into contact with blood, saliva, seminal fluid, urine, feces, or  
19 the contents of a toilet bowl, by spitting, throwing, tossing or expel-  
20 ling such fluid or material.

21 § 3. This act shall take effect immediately.

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

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