STATE OF NEW YORK

4566

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

Introduced by M. of A. MILLER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to penalizing an inmate in a correctional facility for harassing certain employees by fraudulently using the name of any such employee

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

Section 1. Section 240.32 of the penal law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 240.32 Aggravated harassment of an employee by an incarcerated individual.

An incarcerated individual or respondent is guilty of aggravated harassment of an employee by an incarcerated individual when, with intent to harass, annoy, threaten or alarm a person in a facility whom he or she knows or reasonably should know to be an employee of such facility or the board of parole or the office of mental health, or a probation department, bureau or unit or a police officer[~~,~~]**:**

1. he or she causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine, feces, or the contents of a toilet bowl, by throwing, tossing or expelling such fluid or material[~~,~~]**; or**

2. he or she causes such employee's name to be published in any writing without the permission of such employee or fraudulently uses such employee's name to order magazines or any other product in the name of such employee.

For purposes of this section, "incarcerated individual" means an incarcerated individual or detainee in a correctional facility, local correctional facility or a hospital, as such term is defined in subdivision two of section four hundred of the correction law. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the office of children and family services who is

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

LBD05602-01-3

placed with or committed to the office of children and family services. For purposes of this section, "facility" means a correctional facility or local correctional facility, hospital, as such term is defined in subdivision two of section four hundred of the correction law, or a secure facility operated and maintained by the office of children and family services.

Aggravated harassment of an employee by an incarcerated individual is a class E felony.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.