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:

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

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

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

An incarcerated individual or respondent is guilty of aggravated harassment of an employee **or first responder** 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 **or a first responder**, he or she causes or attempts to cause such employee to come into contact with blood, **saliva,** seminal fluid, urine, feces, or the contents of a toilet bowl, by **spitting,** throwing, tossing or expelling such fluid or material.

§ 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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