STATE OF NEW YORK

1501

2025-2026 Regular Sessions

IN SENATE

January 10, 2025

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:

Section 1. 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 by an incarcerated individual when, with intent to harass, annoy, threaten or alarm a person in a facility whom [~~he or she~~] **such incarcerated individual or respondent** 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, [~~he or she~~] **such incarcerated individual or respondent** causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine, feces, **saliva,** or the contents of a toilet bowl, by throwing, tossing or expelling such fluid or material.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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