

STATE OF NEW YORK

3090

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sen. ORTT -- 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 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. Section 240.32 of the penal law, as amended by chapter 322
2 of the laws of 2021, is amended to read as follows:

3 § 240.32 Aggravated harassment of an employee by an incarcerated indi-
4 vidual.

5 An incarcerated individual or respondent is guilty of aggravated
6 harassment of an employee by an incarcerated individual when, with
7 intent to harass, annoy, threaten or alarm a person in a facility whom
8 ~~[he or she]~~ such person knows or reasonably should know to be an employ-
9 ee of such facility or the board of parole or the office of mental
10 health, or a probation department, bureau or unit or a police officer,
11 ~~[he or she]~~ such person causes or attempts to cause such employee to
12 come into contact with blood, seminal fluid, urine, feces, saliva, or
13 the contents of a toilet bowl~~[, by throwing, tossing or expelling such~~
14 ~~fluid or material]~~.

15 For purposes of this section, "incarcerated individual" means an
16 incarcerated individual or detainee in a correctional facility, local
17 correctional facility or a hospital, as such term is defined in subdivi-
18 sion two of section four hundred of the correction law. For purposes of
19 this section, "respondent" means a juvenile in a secure facility oper-
20 ated and maintained by the office of children and family services who is
21 placed with or committed to the office of children and family services.
22 For purposes of this section, "facility" means a correctional facility
23 or local correctional facility, hospital, as such term is defined in
24 subdivision two of section four hundred of the correction law, or a

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

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1 secure facility operated and maintained by the office of children and
2 family services.
3 Aggravated harassment of an employee by an incarcerated individual is
4 a class E felony.
5 § 2. This act shall take effect immediately.