

STATE OF NEW YORK

6926

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

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

AN ACT to amend the penal law and the executive law, in relation to including nonconsensual use of bodily fluids and matter in harassment in the first degree and aggravated harassment in the first degree and including strikes, shoves and kicks in aggravated harassment in the first degree

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

Section 1. Section 240.25 of the penal law, as amended by chapter 109 of the laws of 1994, is amended to read as follows:

§ 240.25 Harassment in the first degree.

A person is guilty of harassment in the first degree when:

~~[he or she]~~ 1. such person intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury.

This ~~[section]~~ subdivision shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended; or

2. such person knowingly throws, tosses, spits, wipes, expels or transfers onto another person, without such other person's consent, human or animal bodily fluids or matter, such as, but not limited to, urine, blood, saliva, phlegm, seminal fluid, or feces, or the contents of a toilet bowl.

Harassment in the first degree is a class B misdemeanor.

§ 2. Section 240.31 of the penal law, as amended by chapter 49 of the laws of 2006, the opening paragraph as amended by chapter 8 of the laws of 2019, subdivisions 3 and 4 as amended and subdivision 5 as added by chapter 74 of the laws of 2008, is amended to read as follows:

§ 240.31 Aggravated harassment in the first degree.

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

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1 A person is guilty of aggravated harassment in the first degree when
2 ~~[with]:~~

3 1. With intent to harass, annoy, threaten or alarm another person,
4 because of a belief or perception regarding such person's race, color,
5 national origin, ancestry, gender, gender identity or expression, reli-
6 gion, religious practice, age, disability or sexual orientation, regard-
7 less of whether the belief or perception is correct, ~~[he or she]~~ such
8 person:

9 ~~[1-]~~ (a) Damages premises primarily used for religious purposes, or
10 acquired pursuant to section six of the religious corporation law and
11 maintained for purposes of religious instruction, and the damage to the
12 premises exceeds fifty dollars; or

13 ~~[2-]~~ (b) Commits the crime of aggravated harassment in the second
14 degree in the manner proscribed by the provisions of subdivision three
15 of section 240.30 of this article and has been previously convicted of
16 the crime of aggravated harassment in the second degree for the commis-
17 sion of conduct proscribed by the provisions of subdivision three of
18 section 240.30 or ~~[he or she]~~ such person has been previously convicted
19 of the crime of aggravated harassment in the first degree within the
20 preceding ten years; or

21 ~~[3-]~~ (c) Etches, paints, draws upon or otherwise places a swastika,
22 commonly exhibited as the emblem of Nazi Germany, on any building or
23 other real property, public or private, owned by any person, firm or
24 corporation or any public agency or instrumentality, without express
25 permission of the owner or operator of such building or real property;
26 or

27 ~~[4-]~~ (d) Sets on fire a cross in public view; or

28 ~~[5-]~~ (e) Etches, paints, draws upon or otherwise places or displays a
29 noose, commonly exhibited as a symbol of racism and intimidation, on any
30 building or other real property, public or private, owned by any person,
31 firm or corporation or any public agency or instrumentality, without
32 express permission of the owner or operator of such building or real
33 property; or

34 2. With intent to prevent a peace officer, a police officer, prosecu-
35 tor as defined in subdivision thirty-one of section 1.20 of the criminal
36 procedure law, registered nurse, licensed practical nurse, public health
37 sanitarian, New York city public health sanitarian, sanitation enforce-
38 ment agent, New York city sanitation worker, a firefighter, including a
39 firefighter acting as a paramedic or emergency medical technician admin-
40 istering first aid in the course of performance of duty as such fire-
41 fighter, an emergency medical service paramedic or emergency medical
42 service technician, or medical or related personnel in a hospital emer-
43 gency department, a city marshal, a school crossing guard appointed
44 pursuant to section two hundred eight-a of the general municipal law, a
45 traffic enforcement officer, traffic enforcement agent or employee of
46 any entity governed by the public service law in the course of perform-
47 ing an essential service, from performing a lawful duty, such person:

48 (a) strikes, shoves, kicks or otherwise subjects such peace officer,
49 police officer, prosecutor as defined in subdivision thirty-one of
50 section 1.20 of the criminal procedure law, registered nurse, licensed
51 practical nurse, public health sanitarian, New York city public health
52 sanitarian, sanitation enforcement agent, New York city sanitation work-
53 er, firefighter, paramedic, technician or medical or related personnel
54 in a hospital emergency department, city marshal, school crossing guard,
55 traffic enforcement officer, traffic enforcement agent or employee of an

1 entity governed by the public service law to physical contact, or
2 attempts or threatens to do the same; or

3 (b) throws, tosses, spits, wipes, expels or transfers onto such peace
4 officer, police officer, prosecutor as defined in subdivision thirty-one
5 of section 1.20 of the criminal procedure law, registered nurse,
6 licensed practical nurse, public health sanitarian, New York city public
7 health sanitarian, sanitation enforcement agent, New York city sanita-
8 tion worker, firefighter, paramedic, technician or medical or related
9 personnel in a hospital emergency department, city marshal, school
10 crossing guard, traffic enforcement officer, traffic enforcement agent
11 or employee of an entity governed by the public service law, without
12 their consent, human or animal bodily fluids or matter, such as, but not
13 limited to, urine, blood, saliva, phlegm, seminal fluid, or feces, or
14 the contents of a toilet bowl.

15 Aggravated harassment in the first degree is a class E felony.

16 § 3. Subdivision 5 of section 621 of the executive law, as amended by
17 chapter 189 of the laws of 2018, is amended to read as follows:

18 5. "Victim" shall mean (a) a person who suffers personal physical
19 injury as a direct result of a crime; (b) a person who is the victim of
20 either the crime of (1) unlawful imprisonment in the first degree as
21 defined in section 135.10 of the penal law, (2) kidnapping in the second
22 degree as defined in section 135.20 of the penal law, (3) kidnapping in
23 the first degree as defined in section 135.25 of the penal law, (4)
24 menacing in the first degree as defined in section 120.13 of the penal
25 law, (5) criminal obstruction of breathing or blood circulation as
26 defined in section 121.11 of the penal law, (6) harassment in the second
27 degree as defined in section 240.26 of the penal law, (7) harassment in
28 the first degree as defined in section 240.25 of the penal law, (8)
29 aggravated harassment in the second degree as defined in subdivision
30 three or five of section 240.30 of the penal law, (9) aggravated harass-
31 ment in the first degree as defined in paragraph (b) of subdivision
32 ~~[two]~~ one of section 240.31 of the penal law, (10) criminal contempt in
33 the first degree as defined in subdivision (b) or subdivision (c) of
34 section 215.51 of the penal law, (11) stalking in the fourth, third,
35 second or first degree as defined in sections 120.45, 120.50, 120.55 and
36 120.60 of the penal law, (12) labor trafficking as defined in section
37 135.35 of the penal law, (13) sex trafficking as defined in section
38 230.34 of the penal law; or (14) sex trafficking of a child as defined
39 in section 230.34-a of the penal law; a vulnerable elderly person or an
40 incompetent or physically disabled person as defined in section 260.31
41 of the penal law who incurs a loss of savings as defined in subdivision
42 twenty-four of this section; or a person who has had a frivolous lawsuit
43 filed against them.

44 § 4. Subdivision 12 of section 631 of the executive law, as amended by
45 chapter 239 of the laws of 2022, is amended to read as follows:

46 12. Notwithstanding the provisions of subdivisions one, two and three
47 of this section, an individual who was a victim of either the crime of
48 menacing in the second degree as defined in subdivision two or three of
49 section 120.14 of the penal law, menacing in the first degree as defined
50 in section 120.13 of the penal law, criminal obstruction of breathing or
51 blood circulation as defined in section 121.11 of the penal law, harass-
52 ment in the second degree as defined in section 240.26 of the penal law,
53 harassment in the first degree as defined in section 240.25 of the penal
54 law, aggravated harassment in the second degree as defined in subdivi-
55 sion three or five of section 240.30 of the penal law, aggravated
56 harassment in the first degree as defined in paragraph (b) of subdivi-

1 sion [~~two~~] **one** of section 240.31 of the penal law, criminal contempt in
2 the first degree as defined in subdivision (b) or subdivision (c) of
3 section 215.51 of the penal law, or stalking in the fourth, third,
4 second or first degree as defined in sections 120.45, 120.50, 120.55 and
5 120.60 of the penal law, respectively, or unlawful dissemination or
6 publication of an intimate image as defined in section 245.15 of the
7 penal law, or dissemination of an unlawful surveillance image in the
8 second or first degree as defined in sections 250.55 and 250.60 of the
9 penal law, respectively, or a hate crime as defined in section 485.05 of
10 the penal law who has not been physically injured as a direct result of
11 such crime shall only be eligible for an award that includes loss of
12 earning or support, the unreimbursed cost of repair or replacement of
13 essential personal property that has been lost, damaged or destroyed as
14 a direct result of such crime, the unreimbursed cost for security
15 devices to enhance the personal protection of such victim, the cost of
16 residing at or utilizing services provided by shelters for battered
17 spouses and children as provided in subdivision one of section six
18 hundred twenty-six of this article, transportation expenses incurred for
19 necessary court appearances in connection with the prosecution of such
20 crime, the unreimbursed costs of counseling provided to such victim on
21 account of mental or emotional stress resulting from the incident in
22 which the crime occurred, the unreimbursed cost of crime scene cleanup
23 and securing a crime scene, reasonable relocation expenses, and for
24 occupational or job training. For purposes of this subdivision, "neces-
25 sary court appearances" shall include, but not be limited to, any part
26 of trial from arraignment through sentencing, pre and post trial hear-
27 ings and grand jury hearings.

28 § 5. This act shall take effect on the first of November next succeed-
29 ing the date on which it shall have become a law. Effective immediately,
30 the addition, amendment and/or repeal of any rule or regulation neces-
31 sary for the implementation of this act on its effective date are
32 authorized to be made and completed on or before such effective date.