§ 240.33 Aggravated harassment of a judge.

A person is guilty of aggravated harassment of a judge when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such judge's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge, or a member of such judge's immediate family, and the actor knows or reasonably should know that such communication will cause such judge to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such judge's immediate family; or

2. With intent to harass or threaten a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct;

or

4. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family, the actor strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to an immediate family member of such person; or

5. The actor commits the crime of harassment in the first degree against a person the actor knows or reasonably should know is a judge or a member of such judge's immediate family and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

For purposes of this section: "judge" shall mean a judge of a court of record or a justice court; and "immediate family" shall have the same meaning as defined in section 120.40 of this chapter.

Aggravated harassment of a judge is a class E felony.