

Local Law No. 2 Of 2009

County Of Ulster

A Local Law Establishing A Charge Of Aggravated Harassment For The Throwing, Tossing Or Expelling Of Bodily Fluids In Ulster County

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

Section 240.32 of the New York State Penal Law protects Correctional Officers and certain other public employees who interact with inmates in a state or local correctional facility or a hospital by charging inmates who cause such employees to come into contact with blood, seminal fluid, urine or feces by throwing, tossing or expelling such fluid and material with Aggravated Harassment, which is a Class E Felony.

No provision of New York State Law, however, extends this protection to members of the general public. Recently, an Ulster County woman was victimized when another person threw seminal fluid on her. Incredibly, there is no specific state law that would allow victim's attacker to be charged with a crime.

The purpose of this Local Law is to protect Ulster County residents from such heinous and depraved attacks and from coming into contact with potentially infectious bodily fluids and/or deadly diseases.

SECTION 2. AGGRAVATED HARASSMENT OF ANOTHER PERSON.

A person, which for the purpose of this section means a human being, is guilty of Aggravated Harassment of Another Person when, with intent to harass, annoy, threaten or alarm a person, he or she causes or attempts to cause such person to come into contact with blood, seminal fluid, urine or feces by throwing, tossing or expelling such fluid or material.

SECTION 3. PENALTIES.

Any violation of the provisions of this Local Law will be an Unclassified "A" Misdemeanor, punishable by a prison term not to exceed one year and/or a fine not to exceed \$1000.00 or both.

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SECTION 4. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall become effective immediately upon its filing in the Office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Adopted by the County Legislature: June 10, 2009