



NEW YORK STATE SENATOR

John J. Bonacic

Senate Passes Senator Bonacic's Legislation to Criminalize Conduct Against Corrections Officers

JOHN J. BONACIC March 7, 2013

The New York State Senate yesterday passed legislation, (S.2040) sponsored by Senator John Bonacic (R/C/I – Mt. Hope) to criminalize certain conduct against corrections officers and other employees of prison facilities.

The legislation would make it a felony if an inmate intentionally spits on corrections officers or otherwise places saliva, urine, feces, or the contents of a toilet bowl on these correctional employees.

“This conduct is disgusting, it subjects the corrections officer to testing for various diseases, and makes our prisons less secure. There should be serious consequences for such activity,” Bonacic said.

The legislation was requested several years ago by the President of a local Police Benevolent Association after an incident where a corrections officer had the contents of a toilet bowl emptied onto him. Under current law, only if urine, seminal fluid, blood, or fecal matter is thrown, tossed, or expelled onto a corrections officer or correctional employee, can an inmate be charged with a felony. In that case, since none of those substances were present, the criminal charge was not upheld. Senator Bonacic's legislation would broaden the substances that could lead to a felony charge.

“Nobody should have to go through testing to see if they were exposed to some disease based on an assault of any type. Our corrections officers have a difficult job and we need to close any loophole that allows an inmate who does this type of thing to them to escape prosecution,” Senator Bonacic said.

The bill has passed the Senate for several years. It is sponsored in the Assembly by Assemblywoman Aileen Gunther, where it has never received a vote. “The Assembly should vote on this bill. There is no good reason for them not to take up any legislation like this that criminalizes horrendous conduct against those who work in our prisons,” Senator Bonacic concluded.