



NEW YORK STATE SENATOR

John J. Bonacic

Governor Cuomo Signs Into Law Senator Bonacic's Legislation to Criminalize Conduct Against Corrections Officers

JOHN J. BONACIC August 2, 2013

Governor Cuomo has signed into law legislation (S.5858), 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 makes it a felony if an inmate intentionally throws the contents of a toilet bowl on 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 the Orange County Police Benevolent Association after an incident where a corrections officer had the contents of a toilet bowl emptied onto him. Previously, 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.

Earlier versions of the bill which were more expansive had passed the Senate on eight previous occasions in 1999, 2000, 2001, 2007, 2008, 2011, 2012 and earlier in 2013. The Assembly finally agreed to pass the current legislation.