

**AGGRAVATED HARASSMENT  
OF AN EMPLOYEE BY AN INMATE  
Class E Felony  
PENAL LAW § 240.32  
(Committed on or after Nov. 1, 2000)<sup>1</sup>**

The \_\_\_\_\_ count is Aggravated Harassment of an Employee by an Inmate.

Under our law, an inmate [or respondent] is guilty of Aggravated Harassment of an Employee by an Inmate when, with intent to harass, annoy, threaten or alarm a person in a facility whom he or she knows or reasonably should know to be

Select appropriate alternative:

an employee of

such facility or  
the board of parole or  
the office of mental health, or  
a probation department, bureau or unit

a police officer,

he or she causes or attempts to cause such employee [or police officer] to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "intent," "inmate," ["respondent"] and "facility."

INTENT means conscious objective or purpose. Thus, a person acts with intent to harass, annoy, threaten or alarm a

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<sup>1</sup> As amended effective March 31, 2011. The amendment made the statutory language gender-neutral and changed "division of parole" to "board of parole." L. 2011, ch 62.

person when his or her conscious objective or purpose is to do so.<sup>2</sup>

INMATE means an inmate or detainee in a correctional facility, local correctional facility or a hospital.<sup>3</sup>

[RESPONDENT means a juvenile in a secure facility operated and maintained by the office of children and family services who is placed with or committed to the office of children and family services.<sup>4</sup>]

FACILITY means a correctional facility or local correctional facility, hospital<sup>5</sup> or a secure facility operated and maintained by the office of children and family services.<sup>6</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following four elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), was an inmate [or respondent];
2. That on that date, (specify) was

Select appropriate alternative:

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<sup>2</sup> Penal Law § 15.05(1).

<sup>3</sup> At this point the statute continues: “, as such term is defined in subdivision two of section four hundred of the correction law.” Penal Law § 240.32.

<sup>4</sup> Penal Law § 240.32.

<sup>5</sup> At this point the statute continues: “, as such term is defined in subdivision two of section four hundred of the correction law.” Penal Law § 240.32.

<sup>6</sup> Penal Law § 240.32.

an employee of

a facility or  
the board of parole or  
the office of mental health, or  
a probation department, bureau or unit

a police officer; and

the defendant knew or reasonably should have known that  
(specify) was such an employee [or police officer];

3. That on that date, the defendant caused or attempted to  
cause (specify) to come into contact with blood, seminal  
fluid, urine or feces, by throwing, tossing or expelling such  
fluid or material; and

4. That the defendant did so with intent to harass, annoy,  
threaten or alarm (specify) in the facility.

Therefore, if you find that the People have proven beyond  
a reasonable doubt each of those elements, you must find the  
defendant guilty of the crime of Aggravated Harassment of an  
Employee by an Inmate as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not  
proven beyond a reasonable doubt any one or more of those  
elements, you must find the defendant not guilty of the crime of  
Aggravated Harassment of an Employee by an Inmate as charged  
in the \_\_\_\_\_ count.