S T A T E O F N E W Y O R K

3210--A

2011-2012 Regular Sessions

I N S E N A T E

February 11, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the criminal sale of a controlled substance to a person less than fourteen years of age

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 220.48 of the penal law, as added by section 28 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

S 220.48 Criminal sale of a controlled substance to a child IN THE SECOND DEGREE.

A person is guilty of criminal sale of a controlled substance to a child IN THE SECOND DEGREE when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than seventeen years old.

Criminal sale of a controlled substance to a child IN THE SECOND DEGREE is a class B felony.

S 2. The penal law is amended by adding a new section 220.49 to read as follows:

S 220.49 CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST DEGREE.

A PERSON IS GUILTY OF CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST DEGREE WHEN, BEING OVER EIGHTEEN YEARS OLD, HE OR SHE KNOWINGLY AND UNLAWFULLY SELLS A CONTROLLED SUBSTANCE IN VIOLATION OF SECTION 220.34 OR 220.39 OF THIS ARTICLE TO A PERSON LESS THAN FOURTEEN YEARS OLD.

CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST DEGREE IS A CLASS A-II FELONY.

S 3. This act shall take effect September 1, 2011.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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