

STATE OF NEW YORK

3248

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. McKEVITT, GRAF, GARBARINO, RAIA, KOLB, FRIEND --
Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to
the Committee on Codes

AN ACT to amend the penal law, in relation to imposing an additional
term of imprisonment for the sale of a controlled substance or mari-
huana to a person under the age of sixteen and for committing a felony
while possessing a loaded firearm

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 70.16 to
2 read as follows:

3 § 70.16 Additional term of imprisonment for sale of controlled
4 substances or marihuana to a person under the age of sixteen
5 or committing a felony while in possession of a loaded
6 firearm, shotgun, rifle or machine-gun.

7 Notwithstanding the provisions of section 70.25 of this article, any
8 person who is found guilty of or pleads guilty to criminal sale of a
9 controlled substance in the fifth degree as defined in section 220.31 of
10 this chapter, criminal sale of a controlled substance in the fourth
11 degree as defined in section 220.34 of this chapter, criminal sale of a
12 controlled substance in the third degree as defined in section 220.39 of
13 this chapter, criminal sale of a controlled substance in the second
14 degree as defined in section 220.41 of this chapter, criminal sale of a
15 controlled substance in the first degree as defined in section 220.43 of
16 this chapter, criminal sale of a controlled substance in or near school
17 grounds as defined in section 220.44 of this chapter, criminal sale of
18 marihuana in the third degree as defined in section 221.45 of this chap-
19 ter, criminal sale of marihuana in the second degree as defined in
20 section 221.50 of this chapter, or criminal sale of marihuana in the
21 first degree as defined in section 221.55 of this chapter to a person
22 under the age of sixteen or is found guilty of or pleads guilty to any

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

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1 offense which is a felony and such person possessed a loaded firearm,
2 shotgun, rifle or machine-gun, as defined in section 265.00 of this
3 chapter, while committing such felony, shall in the interest of justice
4 and, in addition to the penalty prescribed by any other provision of
5 law, be sentenced to an additional term of imprisonment of five years,
6 such term to run consecutively with respect to any other term that may
7 be imposed by the court.

8 § 2. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.