STATE OF NEW YORK

4330

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. BUTTENSCHON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including exposing another person to fentanyl, fentanyl derivatives or opiates containing fentanyl or fentanyl derivatives in the definition of the offense of assault in the first degree

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

Section 1. Section 120.10 of the penal law, subdivision 4 as amended by chapter 791 of the laws of 1967 and the closing paragraph as amended by chapter 646 of the laws of 1996, is amended to read as follows:

§ 120.10 Assault in the first degree.

A person is guilty of assault in the first degree when:

1. With intent to cause serious physical injury to another person, [~~he~~] **such person** causes such injury to such **other** person or to a third person by means of a deadly weapon or a dangerous instrument; or

2. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of [~~his~~] **such other person's** body, [~~he~~] **such person** causes such injury to such **other** person or to a third person; or

3. Under circumstances evincing a depraved indifference to human life, [~~he~~] **such person** recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to another person; or

4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, [~~he~~] **such person**, or another participant if there be any, causes serious physical injury to a person other than one of the participants**; or**

5. With intent to cause serious physical injury to another person, such person causes such injury to such other person by exposing such other person to fentanyl, a fentanyl derivative or an opiate containing

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

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fentanyl or a fentanyl derivative by any means, including, but not limited to, throwing or tossing at or injecting such other person with any such substance.

Assault in the first degree is a class B felony.

§ 2. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law and shall apply to offenses committed on or after such effective date. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.