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

3761

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT to amend the penal law, in relation to manufacturing a controlled substance in the presence of a child

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

Section 1. The penal law is amended by adding a new section 260.12 to read as follows:

S 260.12 MANUFACTURING A CONTROLLED SUBSTANCE IN THE PRESENCE OF A CHILD.

A PERSON IS GUILTY OF MANUFACTURING A CONTROLLED SUBSTANCE IN THE PRESENCE OF A CHILD WHEN HE OR SHE MANUFACTURES ANY SUBSTANCE LISTED IN SCHEDULE I, II, III, IV, OR V OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW WHILE A PERSON WHO IS SIXTEEN YEARS OF AGE OR YOUNGER IS IN THE PREMISES WHERE SUCH CONTROLLED SUBSTANCE IS BEING MANUFACTURED.

MANUFACTURING A CONTROLLED SUBSTANCE IN THE PRESENCE OF A CHILD IS A CLASS E FELONY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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