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

9536

I N  A S S E M B L Y

January 13, 2010

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

AN ACT to amend the penal law, in relation to the crime of criminal facilitation by providing a weapon to a minor

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 115.09 to read as follows:

S 115.09 CRIMINAL FACILITATION BY PROVIDING A WEAPON TO A MINOR.

A PERSON IS GUILTY OF CRIMINAL FACILITATION BY PROVIDING A WEAPON TO A MINOR WHEN, BELIEVING IT IS PROBABLE THAT HE OR SHE IS RENDERING AID TO A PERSON UNDER SIXTEEN YEARS OF AGE WHO INTENDS TO ENGAGE IN CONDUCT THAT WOULD CONSTITUTE A CRIME, HE OR SHE, BEING OVER EIGHTEEN YEARS OF AGE, SELLS, EXCHANGES, GIVES, DISPOSES, OR OTHERWISE PROVIDES A WEAPON TO SUCH PERSON, AND THEREBY PROVIDES SUCH PERSON WITH THE MEANS OR OPPORTUNITY FOR THE COMMISSION OF A CRIME AND WHICH IN FACT AIDS SUCH PERSON TO COMMIT A CRIME.

CRIMINAL FACILITATION BY PROVIDING A WEAPON TO A MINOR IS A CLASS A FELONY.

S 2. Section 70.25 of the penal law is amended by adding a new subdivision 2-h to read as follows:

2-H. WHENEVER A PERSON IS CONVICTED OF CRIMINAL FACILITATION BY PROVIDING A WEAPON TO A MINOR AS DEFINED IN SECTION 115.09 OF THIS CHAPTER, THE SENTENCE IMPOSED BY THE COURT FOR SUCH OFFENSE MAY BE ORDERED TO RUN CONSECUTIVELY TO ANY SENTENCE IMPOSED UPON CONVICTION OF AN OFFENSE ARISING FROM THE SAME CRIMINAL TRANSACTION.

S 3. This act shall take effect on the first of November next succeeding the date on which 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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