

6496

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

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

AN ACT to amend the penal law, in relation to the crime of manslaughter through the sale of a controlled substance that causes the death of another person

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

1 Section 1. Section 125.15 of the penal law is amended to read as
2 follows:
3 S 125.15 Manslaughter in the second degree.
4 A person is guilty of manslaughter in the second degree when:
5 1. He recklessly causes the death of another person; or
6 2. He commits upon a female an abortifacient act which causes her death,
7 unless such abortifacient act is justifiable pursuant to subdivision three
8 of section 125.05; or
9 3. He intentionally causes or aids another person to commit
10 suicide[.];
11 4. HE OR SHE KNOWINGLY SELLS A CONTROLLED SUBSTANCE TO ANOTHER PERSON
12 IN VIOLATION OF SECTION 220.31 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE
13 IN THE FIFTH DEGREE), 220.34 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
14 THE FOURTH DEGREE), 220.39 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
15 THE THIRD DEGREE), 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
16 THE SECOND DEGREE), 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
17 THE FIRST DEGREE), OR 220.44 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
18 OR NEAR SCHOOL GROUNDS), AND UPON THE INHALATION, INGESTION OR INJECTION
19 OF SUCH CONTROLLED SUBSTANCE BY SUCH PERSON OR BY ANY OTHER PERSON, SUCH
20 PERSON OR OTHER PERSON DIES AS A RESULT OF SUCH INHALATION, INGESTION OR
21 INJECTION.
22 Manslaughter in the second degree is a class C felony.
23 S 2. This act shall take effect September 1, 2009.

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

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