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

9522

I N A S S E M B L Y

January 11, 2010

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

AN ACT to amend the penal law, in relation to the sale of a controlled substance to a person which causes the death of such person or another person

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

Section 1. Subdivision 3 of section 125.15 of the penal law is amended and a new subdivision 4 is added to read as follows:

3. He OR SHE intentionally causes or aids another person to commit suicide[.]; OR

4. HE OR SHE, BEING EIGHTEEN YEARS OF AGE OR OLDER AND BEING PREVIOUSLY CONVICTED OF ONE OR MORE CRIMES UNDER ARTICLE TWO HUNDRED TWENTY OF THIS PART, KNOWINGLY SELLS A CONTROLLED SUBSTANCE TO ANOTHER PERSON IN VIOLATION OF SECTION 220.31, 220.34, 220.39, 220.41, 220.43 OR 220.44 OF THIS PART THAT IS CONSUMED BY SUCH PERSON OR ANOTHER PERSON AND SUCH CONTROLLED SUBSTANCE CAUSES THE DEATH OF SUCH PERSON OR OTHER PERSON.

S 2. The penal law is amended by adding a new section 125.16 to read as follows:

S 125.16 MANSLAUGHTER IN THE SECOND DEGREE; SPECIAL PROVISIONS.

1. FOR PURPOSES OF SUBDIVISION FOUR OF SECTION 125.15 OF THIS ARTICLE, IT SHALL NOT BE A DEFENSE TO A PROSECUTION UNDER SUCH SUBDIVISION THAT:

A. THE DEFENDANT DID NOT INTEND TO CAUSE THE DEATH OF THE DECEDENT; OR

B. THE DECEDENT CAUSED HIS OR HER OWN DEATH BY HIS OR HER PURPOSEFUL, KNOWING, RECKLESS OR NEGLIGENT INJECTION, INHALATION OR INGESTION OF SUCH CONTROLLED SUBSTANCE BY ANY MEANS OR BY SUCH DECEDENT'S CONSENT TO THE ADMINISTRATION OF SUCH CONTROLLED SUBSTANCE BY ANOTHER.

2. NOTHING SET FORTH IN SUBDIVISION FOUR OF SECTION 125.15 OF THIS ARTICLE SHALL BE CONSTRUED TO PRECLUDE OR LIMIT IN ANY WAY THE PROSECUTION OF ANY OTHER CRIME SET FORTH IN THIS ARTICLE.

3. A CONVICTION UNDER SUBDIVISION FOUR OF SECTION 125.15 OF THIS ARTICLE SHALL NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME SET FORTH IN THIS CHAPTER.

S 3. This act shall take effect September 1, 2010.

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

LBD15115-03-0