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

7641

I N S E N A T E

April 28, 2010

Introduced by Sen. ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to endangering the welfare of a child by exposing them to controlled substances

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 260.35 to read as follows:

S 260.35 ENDANGERING THE WELFARE OF A CHILD BY EXPOSURE TO CONTROLLED SUBSTANCES.

A PARENT, LEGAL GUARDIAN OR CAREGIVER WHO ENDANGERS A CHILD'S PERSON OR HEALTH BY KNOWINGLY CAUSING OR PERMITTING A CHILD LESS THAN SEVENTEEN YEARS OLD TO BE PRESENT WHERE ANY PERSON IS SELLING, MANUFACTURING, POSSESSING THE IMMEDIATE PRECURSORS OR CHEMICAL SUBSTANCES WITH THE INTENT TO MANUFACTURE OR POSSESS A CONTROLLED SUBSTANCE, AS DEFINED IN THIS CHAPTER, IS GUILTY OF CHILD ENDANGERMENT AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR PAYMENT OF A FINE OF NOT MORE THAN THREE THOUSAND DOLLARS, OR BOTH. IF THE ENDANGERMENT RESULTS IN SUBSTANTIAL HARM TO A CHILD'S PHYSICAL, MENTAL OR EMOTIONAL HEALTH, THE PERSON MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR PAYMENT OF A FINE OF NOT MORE THAN TEN THOUSAND DOLLARS, OR BOTH.

ENDANGERING THE WELFARE OF A CHILD BY EXPOSURE TO CONTROLLED SUBSTANCES IS A CLASS A MISDEMEANOR.

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.

LBD16898-01-0