

3032--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the criminal sale of a controlled substance to a person less than fourteen years of age

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

1 Section 1. Section 220.48 of the penal law, as added by section 28 of
2 part AAA of chapter 56 of the laws of 2009, is amended to read as
3 follows:
4 S 220.48 Criminal sale of a controlled substance to a child IN THE
5 SECOND DEGREE.
6 A person is guilty of criminal sale of a controlled substance to a
7 child IN THE SECOND DEGREE when, being over twenty-one years old, he or
8 she knowingly and unlawfully sells a controlled substance in violation
9 of section 220.34 or 220.39 of this article to a person less than seven-
10 teen years old.
11 Criminal sale of a controlled substance to a child IN THE SECOND
12 DEGREE is a class B felony.
13 S 2. The penal law is amended by adding a new section 220.49 to read
14 as follows:
15 S 220.49 CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST
16 DEGREE.
17 A PERSON IS GUILTY OF CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A
18 CHILD IN THE FIRST DEGREE WHEN, BEING OVER EIGHTEEN YEARS OLD, HE OR SHE
19 KNOWINGLY AND UNLAWFULLY SELLS A CONTROLLED SUBSTANCE IN VIOLATION OF
20 SECTION 220.34 OR 220.39 OF THIS ARTICLE TO A PERSON LESS THAN FOURTEEN
21 YEARS OLD.
22 CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST DEGREE
23 IS A CLASS A-II FELONY.
24 S 3. This act shall take effect September 1, 2011.

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

LBD06942-03-1