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

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2011-2012 Regular Sessions

I N A S S E M B L Y

March 9, 2011

Introduced by M. of A. SMARDZ, FINCH, N. RIVERA, McKEVITT, RAIA, MOLINARO -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, CONTE, HAWLEY, McLAUGHLIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to manufacturing a controlled substance in the presence of 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 220.61 to read as follows:

S 220.61 MANUFACTURING CONTROLLED SUBSTANCES IN THE PRESENCE OF A MINOR.

1. A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER IS GUILTY OF MANUFACTURING CONTROLLED SUBSTANCES IN THE PRESENCE OF A MINOR WHEN, IN THE PRESENCE OF A MINOR, HE OR SHE UNLAWFULLY MANUFACTURES A CONTROLLED SUBSTANCE EITHER:

(A) DIRECTLY OR BY EXTRACTION FROM NATURAL SUBSTANCES; OR

(B) BY MEANS OF CHEMICAL PROCESSES; OR

(C) DIRECTLY OR BY EXTRACTION FROM NATURAL SUBSTANCES AND BY MEANS OF CHEMICAL PROCESSES.

2. FOR PURPOSES OF THIS SECTION, THE TERM "IN THE PRESENCE OF A MINOR" SHALL MEAN:

(A) WHEN A MINOR IS PHYSICALLY PRESENT DURING THE ACTIVITY;

(B) WHEN THE ACTIVITY IS CONDUCTED IN THE RESIDENCE OF A MINOR; OR

(C) WHEN THE ACTIVITY IS CONDUCTED IN A BUILDING WHERE MINORS CAN REASONABLY BE EXPECTED TO BE PRESENT.

MANUFACTURING CONTROLLED SUBSTANCES IN THE PRESENCE OF A MINOR IS A CLASS E FELONY.

S 2. 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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