

5291

2013-2014 Regular Sessions

I N A S S E M B L Y

February 22, 2013

Introduced by M. of A. ROSENTHAL -- read once and referred 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The penal law is amended by adding a new section 260.35 to
2 read as follows:
3 S 260.35 ENDANGERING THE WELFARE OF A CHILD BY EXPOSURE TO CONTROLLED
4 SUBSTANCES.
5 A PARENT, LEGAL GUARDIAN OR CAREGIVER WHO ENDANGERS A CHILD'S PERSON
6 OR HEALTH BY KNOWINGLY CAUSING OR PERMITTING A CHILD LESS THAN SEVENTEEN
7 YEARS OLD TO BE PRESENT WHERE ANY PERSON IS SELLING, MANUFACTURING,
8 POSSESSING THE IMMEDIATE PRECURSORS OR CHEMICAL SUBSTANCES WITH THE
9 INTENT TO MANUFACTURE OR POSSESS A CONTROLLED SUBSTANCE, AS DEFINED IN
10 THIS CHAPTER, IS GUILTY OF CHILD ENDANGERMENT AND MAY BE SENTENCED TO
11 IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR PAYMENT OF A FINE OF NOT MORE
12 THAN THREE THOUSAND DOLLARS, OR BOTH SUCH FINE AND IMPRISONMENT. IF THE
13 ENDANGERMENT RESULTS IN SUBSTANTIAL HARM TO A CHILD'S PHYSICAL, MENTAL
14 OR EMOTIONAL HEALTH, THE PERSON IS GUILTY OF A FELONY AND MAY BE
15 SENTENCED TO IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR PAYMENT OF A
16 FINE OF NOT MORE THAN TEN THOUSAND DOLLARS, OR BOTH SUCH FINE AND IMPRI-
17 SONMENT.
18 S 2. This act shall take effect on the ninetieth day after it shall
19 have become a law.

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

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