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

4530

2013-2014 Regular Sessions

I N A S S E M B L Y

February 6, 2013

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

AN ACT to amend the penal law, in relation to the criminal offense of threatening with a hypodermic instrument

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 two new sections 265.50 and 265.60 to read as follows:

S 265.50 CRIMINAL USE OF A HYPODERMIC INSTRUMENT IN THE SECOND DEGREE.

A PERSON IS GUILTY OF CRIMINAL USE OF A HYPODERMIC INSTRUMENT IN THE SECOND DEGREE IF HE OR SHE THREATENS THE USE OF A HYPODERMIC SYRINGE DURING THE COMMISSION OF ANY MISDEMEANOR.

CRIMINAL USE OF A HYPODERMIC INSTRUMENT IN THE SECOND DEGREE IS A CLASS E FELONY.

S 265.60 CRIMINAL USE OF A HYPODERMIC INSTRUMENT IN THE FIRST DEGREE.

A PERSON IS GUILTY OF CRIMINAL USE OF A HYPODERMIC INSTRUMENT IN THE FIRST DEGREE IF HE OR SHE THREATENS THE USE OF A HYPODERMIC SYRINGE DURING THE COMMISSION OF ANY FELONY.

CRIMINAL USE OF A HYPODERMIC INSTRUMENT IN THE FIRST DEGREE IS A CLASS C FELONY. THE COURT SHALL IMPOSE A SEPARATE SENTENCE TO RUN CONSECUTIVELY IN ADDITION TO ANY SENTENCE IMPOSED ON THE UNDERLYING FELONY.

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.

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