

5291

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 22, 2013

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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.

LBD03174-01-3