

4529

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 3, 2015

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

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 ASSEM-  
BLY, 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 on the one hundred eightieth day after  
25 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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