STATE OF NEW YORK

7673

IN SENATE

February 6, 2018

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to including fires caused by the manufacture of a controlled substance within the crime of arson in the first degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 150.20 of the penal law, as amended by chapter 950 of the laws of 1984, is amended to read as follows:

2. **A person is guilty of arson in the first degree when, while manufacturing, attempting to manufacture or endeavoring to manufacture a controlled substance in violation of article two hundred twenty of this chapter, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or contents thereof, inhabited or occupied by one or more persons, whether such building or contents is the property of such person or another, or when, while manufacturing or attempting to manufacture a controlled substance in violation of article two hundred twenty of this chapter, causes a person to be burned, or aids, counsels or procures the burning of a person.**

3. As used in this section, "incendiary device" means a breakable container designed to explode or produce uncontained combustion upon impact, containing flammable liquid and having a wick or a similar device capable of being ignited**; and "controlled substance" shall have the same meaning as set forth in subdivision five of section 220.00 of this chapter**.

§ 2. This act shall take effect on the sixtieth 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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