

# STATE OF NEW YORK

3218

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

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 § 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 § 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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