

# STATE OF NEW YORK

3981

2017-2018 Regular Sessions

## IN ASSEMBLY

January 30, 2017

Introduced by M. of A. SOLAGES -- 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 Assembly, 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 § 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 § 2. The penal law is amended by adding a new section 220.49 to read  
14 as follows:

15 § 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 § 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.

LBD04714-01-7