

STATE OF NEW YORK

3845

2017-2018 Regular Sessions

IN SENATE

January 27, 2017

Introduced by Sen. MARCHIONE -- 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 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