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:

Section 1. Section 220.48 of the penal law, as added by section 28 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

§ 220.48 Criminal sale of a controlled substance to a child **in the second degree**.

A person is guilty of criminal sale of a controlled substance to a child **in the second degree** when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than seventeen years old.

Criminal sale of a controlled substance to a child **in the second degree** is a class B felony.

§ 2. The penal law is amended by adding a new section 220.49 to read as follows:

§ 220.49 Criminal sale of a controlled substance to a child in the first degree.

A person is guilty of criminal sale of a controlled substance to a child in the first degree when, being over eighteen years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than fourteen years old.

Criminal sale of a controlled substance to a child in the first degree is a class A-II felony.

§ 3. This act shall take effect on the one hundred eightieth 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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