

**APPLICATIONS AND TENANCY ADMINISTRATION DEPARTMENT MANUAL
EXHIBIT GG – NYS PENAL AND TRAFFIC OFFENSES OF VIOLENT FELONIES,
CONTROLLED SUBSTANCES AND ALCOHOL RELATED OFFENSES – SECTION 8
HOUSING ASSISTANCE PROGRAM**

<u>CODE</u>	<u>WEIGHT</u>	<u>CLASS</u>	<u>TYPE OF OFFENSE</u>
511.3	Traffic Law	Felony	Operation while license or privilege is suspended or revoked (operation of vehicle while under the influence of alcohol or drugs, see 511 of Traffic law, section 3)
1192	Traffic Law	Unclassified Misdemeanor or Felony	Operating a vehicle while under the influence of alcohol or drugs
120.03	Felony	E	Vehicular assault in the second degree
120.04	Felony	D	Vehicular assault in the first degree
120.05	Felony	D	Assault in the second degree
120.06	Felony	C	Gang assault in the second degree
120.07	Felony	B	Gang assault in the first degree
120.08	Felony	C	Assault on a peace officer, police officer, fireman, or emergency medical services professional
120.09	Felony	C	Assault on a judge
120.10	Felony	B	Assault in the first degree
120.11	Felony	B	Aggravated assault upon a police officer or a peace officer
120.18	Felony	D	Menacing a police or peace officer
120.60	Felony	D	Stalking in the first degree
121.12	Felony	D	Strangulation in the second degree
121.13	Felony	C	Strangulation in the first degree
125.11	Felony	C	Aggravated criminally negligent homicide
125.12	Felony	D	Vehicular manslaughter in the second degree
125.13	Felony	C	Vehicular manslaughter in the first degree
125.20	Felony	B	Manslaughter in the first degree
125.21	Felony	C	Aggravated manslaughter in the second degree
125.22	Felony	B	Aggravated manslaughter in the first degree
125.25	Felony	A	Murder in the second degree
125.26	Felony	A	Aggravated murder
125.27	Felony	A	Murder in the first degree
130.35	Felony	B	Rape in the first degree
130.50	Felony	B	Sodomy in the first degree
130.65	Felony	D	Sexual abuse in the first degree
130.66	Felony	D	Aggravated sexual abuse in the third degree
130.67	Felony	C	Aggravated sexual abuse in the second degree
130.70	Felony	B	Aggravated sexual abuse in the first degree
130.75	Felony	B	Course of sexual conduct against a child in the first degree
130.80	Felony	D	Course of sexual conduct against a child in the second degree
130.90	Felony	D	Facilitating a sex offense with a controlled substance
130.95	Felony	A	Predatory sexual assault
130.96	Felony	A	Predatory sexual assault against a child

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<u>CODE</u>	<u>WEIGHT</u>	<u>CLASS</u>	<u>TYPE OF OFFENSE</u>
135.20	Felony	B	Kidnapping in the second degree
135.25	Felony	A	Kidnapping in the first degree
140.25	Felony	C	Burglary in the second degree
140.30	Felony	B	Burglary in the first degree
150.15	Felony	B	Arson in the second degree
150.20	Felony	A	Arson in the first degree
160.10	Felony	C	Robbery in the second degree
160.15	Felony	B	Robbery in the first degree
178.10	Misdemeanor	A	Criminal diversion of prescription medications and prescriptions in the 4th degree
178.15	Felony	E	Criminal diversion of prescription medications and prescriptions in the 3rd degree
178.20	Felony	D	Criminal diversion of prescription medications and prescriptions in the 2nd degree
178.25	Felony	C	Criminal diversion of prescription medications and prescriptions in the 1st degree
215.16	Felony	D	Intimidating a victim or witness in the second degree
215.17	Felony	B	Intimidating a victim or witness in the first degree
220.03	Misdemeanor	A	Criminal possession of a controlled substance in the seventh degree
220.06	Felony	D	Criminal possession of a controlled substance in the fifth degree
220.09	Felony	C	Criminal possession of a controlled substance in the fourth degree
220.16	Felony	B	Criminal possession of a controlled substance in the third degree
220.18	Felony	A	Criminal possession of a controlled substance in the second degree
220.21	Felony	A	Criminal possession of a controlled substance in the first degree
220.31	Felony	D	Criminal sale of a controlled substance in the fifth degree
220.34	Felony	C	Criminal sale of a controlled substance in the fourth degree
220.39	Felony	B	Criminal sale of a controlled substance in the third degree
220.41	Felony	A	Criminal sale of a controlled substance in the second degree
220.43	Felony	A	Criminal sale of a controlled substance in the first degree
220.44	Felony	B	Criminal sale of a controlled substance in or near school grounds
220.45	Misdemeanor	A	Criminally possessing a hypodermic instrument
220.46	Felony	E	Criminal injection of a narcotic drug
220.50	Misdemeanor	A	Criminally using drug paraphernalia in the second degree
220.55	Felony	D	Criminally using drug paraphernalia in the first degree
220.60	Felony	E	Criminal possession of precursors of controlled substances
220.65	Felony	C	Criminal sale of a prescription for a controlled substance
220.71	Felony	E	Criminal possession of Methamphetamine material in the first degree
220.72	Felony	E	Criminal possession of precursors of Methamphetamine
220.73	Felony	D	Unlawful manufacture of Methamphetamine in the third degree

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220.74	Felony	C	Unlawful manufacture of Methamphetamine in the second degree
220.75	Felony	B	Unlawful manufacture of Methamphetamine in the first degree
220.76	Felony	E	Unlawful disposal of Methamphetamine laboratory material
221.05	Violation		Unlawful possession of Marijuana
221.10	Misdemeanor	B	Criminal possession of Marijuana in the fifth degree
221.15	Misdemeanor	A	Criminal possession of Marijuana in the fourth degree
221.20	Felony	E	Criminal possession of Marijuana in the third degree
221.25	Felony	D	Criminal possession of Marijuana in the second degree
221.30	Felony	C	Criminal possession of Marijuana in the first degree
221.35	Misdemeanor	B	Criminal sale of Marijuana in the fifth degree
221.40	Misdemeanor	A	Criminal sale of Marijuana in the fourth degree
221.45	Felony	E	Criminal sale of Marijuana in the third degree
221.50	Felony	D	Criminal sale of Marijuana in the second degree
221.55	Felony	C	Criminal sale of Marijuana in the first degree
240.36	Misdemeanor	B	Loitering in the first degree (loitering for the purpose of unlawfully using or possessing a controlled substance)
240.40	Violation		Appearance in public under the influence of narcotics or a drug other than alcohol
240.46	Felony	E	Criminal nuisance in the first degree (conducts or maintains any premises, place or resort where persons come or gather for purposes of engaging in the unlawful sale of a controlled substance in violation of section 220.39, 220.41, 220.43)
240.55	Felony	E	Falsely reporting an incident 2nd degree
240.60	Felony	D	Falsely reporting an incident 1st degree
240.61	Felony	E	Placing a false bomb 2nd degree
240.62	Felony	D	Placing a false bomb 1st degree
240.63	Felony	D	Placing a false bomb in a sports stadium or arena, mass transportation facility or enclosed shopping mall
265.02	Felony	D	Criminal possession of a dangerous weapon in the third degree
265.03	Felony	C	Criminal possession of a dangerous weapon in the second degree
265.04	Felony	B	Criminal possession of a dangerous weapon in the first degree
265.08	Felony	C	Criminal use of a firearm in the second degree
265.09	Felony	B	Criminal use of a firearm in the first degree
265.11	Felony	D	Criminal sale of a firearm in the third degree
265.12	Felony	C	Criminal sale of a firearm in the second degree
265.13	Felony	B	Criminal sale of a firearm in the first degree
265.14	Felony	C	Criminal sale of a firearm with the aid of a minor
405.18	Felony	D	Aggravated unpermitted use of indoor pyrotechnics in the first degree

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<u>CODE</u>	<u>WEIGHT</u>	<u>CLASS</u>	<u>TYPE OF OFFENSE</u>
490.10	Felony	D	Soliciting or providing support for an act of terrorism second degree
490.15	Felony	C	Soliciting or providing support for an act of terrorism first degree
490.20	Felony	D	Making a terroristic threat
490.25	Felony	A - E	Crime of terrorism
490.30	Felony	C	Hindering prosecution of terrorism second degree
490.35	Felony	B	Hindering prosecution of terrorism first degree
490.37	Felony	C	Criminal possession of a chemical weapon or biological weapon in the third degree
490.40	Felony	B	Criminal possession of a chemical weapon or biological weapon in the second degree
490.45	Felony	A	Criminal possession of a chemical weapon or biological weapon in the first degree
490.47	Felony	B	Criminal use of a chemical weapon or biological weapon in the third degree
490.50	Felony	A	Criminal use of a chemical weapon or biological weapon in the second degree
490.55	Felony	A	Criminal use of a chemical weapon or biological weapon in the first degree

NOTE:

The attempt to commit the above offenses (penal code 110.00) should also be processed for ineligibility.
An attempt to commit a crime is a:

1. Class A-I felony when the crime attempted is the A-I felony murder in the first degree, criminal possession of a controlled substance in the first degree or criminal sale of a controlled substance in the first degree;
2. Class A-II felony when the crime attempted is a class II felony;
3. Class B felony when the crime attempted is a class A-I felony;
4. Class C felony when the crime attempted is a class B felony;
5. Class D felony when the crime attempted is a class C felony;
6. Class E felony when the crime attempted is a class D felony;
7. Class A misdemeanor when the crime attempted is a class E felony;
8. Class B misdemeanor when the crime attempted is a misdemeanor.