

10015

I N   A S S E M B L Y

June 6, 2014

---

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lentol, Cymbrowitz, Gottfried) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the civil practice law and rules and the executive law, in relation to the possession of opioid antagonists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The criminal procedure law is amended by adding a new  
2     section 60.47 to read as follows:

3     S 60.47 POSSESSION OF OPIOID ANTAGONISTS; RECEIPT INTO EVIDENCE.

4     1. EVIDENCE THAT A PERSON WAS IN POSSESSION OF AN OPIOID ANTAGONIST  
5     MAY NOT BE ADMITTED AT ANY TRIAL, HEARING OR OTHER PROCEEDING IN A PROS-  
6     ECUTION FOR ANY OFFENSE UNDER SECTIONS 220.03, 220.06, 220.09, 220.16,  
7     220.18, OR 220.21 OF THE PENAL LAW FOR THE PURPOSE OF ESTABLISHING PROB-  
8     ABLE CAUSE FOR AN ARREST OR PROVING ANY PERSON'S COMMISSION OF SUCH  
9     OFFENSE.

10    2. FOR THE PURPOSES OF THIS SECTION, OPIOID ANTAGONIST IS DEFINED AS A  
11    DRUG APPROVED BY THE FOOD AND DRUG ADMINISTRATION THAT, WHEN ADMINIS-  
12    TERED, NEGATES OR NEUTRALIZES IN WHOLE OR IN PART THE PHARMACOLOGICAL  
13    EFFECTS OF AN OPIOID IN THE BODY AND SHALL BE LIMITED TO NALOXONE AND  
14    OTHER MEDICATIONS APPROVED BY THE DEPARTMENT FOR SUCH PURPOSE.

15    S 2. The civil practice law and rules is amended by adding a new  
16    section 4519-a to read as follows:

17    S 4519-A. POSSESSION OF OPIOID ANTAGONISTS; RECEIPT INTO EVIDENCE. 1.  
18    POSSESSION OF AN OPIOID ANTAGONIST MAY NOT BE RECEIVED IN EVIDENCE IN  
19    ANY TRIAL, HEARING OR PROCEEDING PURSUANT TO SUBDIVISION ONE OF SECTION  
20    TWO HUNDRED THIRTY-ONE AND PARAGRAPH THREE OF SUBDIVISION B OF SECTION  
21    TWO HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW OR SUBDIVISION FIVE OF  
22    SECTION SEVEN HUNDRED ELEVEN AND SUBDIVISION ONE OF SECTION SEVEN  
23    HUNDRED FIFTEEN OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW AS  
24    EVIDENCE THAT THE BUILDING OR PREMISES ARE BEING USED FOR ILLEGAL TRADE,  
25    MANUFACTURE, OR OTHER ILLEGAL BUSINESS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD15528-01-4

1 2. FOR THE PURPOSES OF THIS SECTION, OPIOID ANTAGONIST SHALL HAVE THE  
2 SAME MEANING AS SET FORTH IN SUBDIVISION TWO OF SECTION 60.47 OF THE  
3 CRIMINAL PROCEDURE LAW.

4 S 3. Section 841 of the executive law is amended by adding a new  
5 subdivision 7-b to read as follows:

6 7-B. TAKE SUCH STEPS AS MAY BE NECESSARY TO ENSURE THAT ALL POLICE  
7 OFFICERS AND PEACE OFFICERS CERTIFIED PURSUANT TO SUBDIVISION THREE OF  
8 THIS SECTION RECEIVE APPROPRIATE INSTRUCTION REGARDING SECTION 60.47 OF  
9 THE CRIMINAL PROCEDURE LAW RELATING TO THE INTRODUCTION OF OPIOID ANTAG-  
10 ONISTS INTO EVIDENCE IN CERTAIN CASES.

11 S 4. This act shall take effect on the sixtieth day after it shall  
12 have become a law and shall apply to all cases pending on and after such  
13 date.