

3407

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sen. KLEIN -- 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 establishing the offense of criminal fortification of a drug house

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

1 Section 1. Section 220.00 of the penal law is amended by adding three
2 new subdivisions 21, 22 and 23 to read as follows:
3 21. "BUILDING," IN ADDITION TO ITS ORDINARY MEANING, INCLUDES ANY
4 STRUCTURE, VEHICLE OR WATERCRAFT USED FOR OVERNIGHT LODGING OF PERSONS,
5 OR USED BY PERSONS FOR CARRYING ON BUSINESS THEREIN, OR USED AS AN
6 ELEMENTARY OR SECONDARY SCHOOL, OR AN INCLOSED MOTOR TRUCK, OR AN
7 INCLOSED MOTOR TRUCK TRAILER. WHERE A BUILDING CONSISTS OF TWO OR MORE
8 UNITS SEPARATELY SECURED OR OCCUPIED, EACH UNIT SHALL BE DEEMED BOTH A
9 SEPARATE BUILDING IN ITSELF AND A PART OF THE MAIN BUILDING.
10 22. "DWELLING" MEANS A BUILDING WHICH IS USUALLY OCCUPIED BY A PERSON
11 OR PERSONS LODGING THEREIN AT NIGHT, WHETHER OR NOT IT IS CURRENTLY
12 ABANDONED.
13 23. "FORTIFIED CONDITION" MEANS PREVENTING OR IMPEDING ENTRY THROUGH
14 THE USE OF STEEL DOORS, WOODEN PLANKING, CROSS BARS, SURVEILLANCE
15 SYSTEMS, DOGS, OR OTHER SIMILAR MEANS.
16 S 2. The penal law is amended by adding a new section 220.80 to read
17 as follows:
18 S 220.80 CRIMINAL FORTIFICATION OF A DRUG HOUSE.
19 A PERSON IS GUILTY OF CRIMINAL FORTIFICATION OF A DRUG HOUSE WHEN,
20 WITH INTENT TO IMPEDE, DETER OR DELAY LAWFUL ENTRY BY LAW ENFORCEMENT
21 OFFICERS OR ANOTHER PERSON, HE OR SHE KNOWINGLY IS PRESENT IN AND/OR
22 MAINTAINS A BUILDING OR DWELLING IN A FORTIFIED CONDITION AND SUCH
23 BUILDING OR DWELLING IS BEING USED FOR THE PURPOSE OF MANUFACTURING,
24 PACKAGING OR DISTRIBUTING CONTROLLED SUBSTANCES OR MARIHUANA.
25 CRIMINAL FORTIFICATION OF A DRUG HOUSE IS A CLASS C FELONY.
26 S 3. This act shall take effect on the first of November next succeed-
27 ing the date on which 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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