

STATE OF NEW YORK

7453

2017-2018 Regular Sessions

IN ASSEMBLY

April 26, 2017

Introduced by M. of A. TITONE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of criminal sale of a controlled substance in or near a methadone clinic

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 220.44-a
2 to read as follows:

3 § 220.44-a Criminal sale of a controlled substance in or near a metha-
4 done clinic.

5 A person is guilty of criminal sale of a controlled substance in or
6 near a methadone clinic when he or she knowingly and unlawfully sells:

7 1. a controlled substance in violation of section 220.21 of this arti-
8 cle, when such sale takes place within two hundred yards of a methadone
9 clinic; or

10 2. a controlled substance in violation of any one of subdivisions one
11 through six-a or subdivision nine of section 220.34 of this article,
12 when such sale takes place within two hundred yards of a methadone clin-
13 ic; or

14 3. a controlled substance in violation of section 220.39 of this arti-
15 cle, when such sale takes place within two hundred yards of a methadone
16 clinic; or

17 4. a controlled substance in violation of section 220.41 of this arti-
18 cle, when such sale takes place within two hundred yards of a methadone
19 clinic; or

20 5. a controlled substance in violation of section 220.43 of this arti-
21 cle, when such sale takes place within two hundred yards of a methadone
22 clinic.

23 6. For the purposes of this section, a rebuttable presumption shall be
24 established that a person has knowledge that they are within the grounds

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

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1 of a methadone clinic when notice is conspicuously posted of the pres-
2 ence or proximity of such facility.

3 7. For purposes of this section, a "methadone clinic" shall mean a
4 facility established for counseling and the dispensing of methadone to
5 individuals addicted to heroin or other opiates.

6 Criminal sale of a controlled substance in or near a methadone clinic
7 is a class B felony.

8 § 2. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law.