

STATE OF NEW YORK

2181

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

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

AN ACT to amend the penal law and the highway law, in relation to creating a drug free zone for senior citizen residential grounds

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 a new
2 subdivision 14-a to read as follows:

3 14-a. "Senior citizen residential grounds" means (a) in or on or with-
4 in any residential building, structure, facility, community or land
5 contained within the real property boundary line of any such areas occu-
6 pied by or designated for occupancy by persons who are at least sixty-
7 five years of age, or (b) any area accessible to the public located
8 within one thousand feet of the real property boundary line comprising
9 any area described in paragraph (a) of this subdivision or any parked
10 automobile or other parked vehicle located within one thousand feet of
11 the real property boundary line comprising any area described in para-
12 graph (a) of this subdivision. For purposes of this section, an "area
13 accessible to the public" shall mean any area accessible to the public,
14 including but not limited to sidewalks, streets, parking lots, parks and
15 places of business.

16 § 2. The penal law is amended by adding a new section 220.44-a to read
17 as follows:

18 § 220.44-a Criminal sale of a controlled substance in or near senior
19 citizen residential grounds.

20 A person is guilty of criminal sale of a controlled substance in or
21 near senior citizen residential grounds when he or she knowingly and
22 unlawfully sells:

23 1. a controlled substance in violation of any one of subdivisions one
24 through six-a of section 220.34 of this article, when such sale takes
25 place upon senior citizen residential grounds;

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

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1 2. a controlled substance in violation of any one of subdivisions one
2 through eight of section 220.39 of this article, when such sale takes
3 place upon senior citizen residential grounds;

4 3. a controlled substance in violation of any one of subdivisions one
5 through six of section 220.34 of this article, when such sale takes
6 place upon senior citizen residential grounds under circumstances evinc-
7 ing knowledge by the defendant that such sale is taking place upon such
8 grounds; or

9 4. a controlled substance in violation of any one of subdivisions one
10 through eight of section 220.39 of this article, when such sale takes
11 place upon senior citizen residential grounds under circumstances evinc-
12 ing knowledge by the defendant that such sale is taking place upon such
13 grounds.

14 5. For purposes of this section, "senior citizen residential grounds"
15 shall have the meaning set forth in subdivision fourteen-a of section
16 220.00 of this article.

17 6. For the purposes of this section, a rebuttable presumption shall be
18 established that a person has knowledge that he or she is within senior
19 citizen residential grounds when notice is conspicuously posted of the
20 presence or proximity of such grounds.

21 Criminal sale of a controlled substance in or near senior citizen
22 residential grounds is a class B felony.

23 § 3. Section 317 of the highway law, as added by chapter 356 of the
24 laws of 1996, is amended to read as follows:

25 § 317. Drug free [~~school~~] zone signs. Any political subdivision of the
26 state having jurisdiction over any highway within school grounds or
27 senior citizen residential grounds, as defined in [~~subdivision~~] subdivi-
28 sions fourteen and fourteen-a of section 220.00 of the penal law, may,
29 upon the request of the appropriate school or other authority, place,
30 cause to be placed, or permit to be placed within the right of way of
31 such highway signs indicating a drug free [~~school~~] zone.

32 § 4. This act shall take effect on the first of November next succeed-
33 ing the date on which it shall have become a law.