

S T A T E O F N E W Y O R K

9203--A

2009-2010 Regular Sessions

I N A S S E M B L Y

October 21, 2009

Introduced by M. of A. GUNTHER, SKARTADOS -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to criminal sale of a controlled substance upon the grounds of a library

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 220.61 to
2 read as follows:
3 S 220.61 CRIMINAL SALE OF A CONTROLLED SUBSTANCE UPON THE GROUNDS OF A
4 LIBRARY.
5 1. A PERSON IS GUILTY OF CRIMINAL SALE OF A CONTROLLED SUBSTANCE UPON
6 THE GROUNDS OF A LIBRARY WHEN HE OR SHE KNOWINGLY AND UNLAWFULLY SELLS A
7 CONTROLLED SUBSTANCE IN VIOLATION OF:
8 (A) ANY ONE OF SUBDIVISIONS ONE THROUGH SIX-A OF SECTION 220.34 OF
9 THIS ARTICLE, WHEN SUCH SALE TAKES PLACE UPON THE GROUNDS OF A PUBLIC
10 LIBRARY OR ASSOCIATION LIBRARY AS THOSE TERMS ARE DEFINED IN SUBDIVISION
11 TWO OF SECTION TWO HUNDRED FIFTY-THREE OF THE EDUCATION LAW; OR
12 (B) ANY OF THE SUBDIVISIONS ONE THROUGH EIGHT OF SECTION 220.39 OF
13 THIS ARTICLE, WHEN SUCH SALE TAKES PLACE UPON THE GROUNDS OF A PUBLIC
14 LIBRARY OR ASSOCIATION LIBRARY AS THOSE TERMS ARE DEFINED IN SUBDIVISION
15 TWO OF SECTION TWO HUNDRED FIFTY-THREE OF THE EDUCATION LAW.
16 2. FOR THE PURPOSES OF THIS SECTION, "ON THE GROUNDS OF A PUBLIC
17 LIBRARY OR ASSOCIATION LIBRARY" MEANS:
18 (A) IN, ON OR WITHIN ANY BUILDING, STRUCTURE, PARKING LOT OR LAND
19 CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF ANY PUBLIC LIBRARY
20 OR ASSOCIATION LIBRARY AS THOSE TERMS ARE DEFINED IN SUBDIVISION TWO OF
21 SECTION TWO HUNDRED FIFTY-THREE OF THE EDUCATION LAW; OR

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

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1 (B) ANY AREA ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET
2 OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY PUBLIC LIBRARY OR
3 ASSOCIATION LIBRARY AS THOSE TERMS ARE DEFINED IN SUBDIVISION TWO OF
4 SECTION TWO HUNDRED FIFTY-THREE OF THE EDUCATION LAW.
5 3. FOR THE PURPOSES OF THIS SECTION, A REBUTTABLE PRESUMPTION SHALL BE
6 ESTABLISHED THAT A DEFENDANT HAS KNOWLEDGE THAT HE OR SHE IS UPON THE
7 GROUNDS OF A PUBLIC LIBRARY OR ASSOCIATION LIBRARY WHEN NOTICE IS
8 CONSPICUOUSLY POSTED OF THE PRESENCE OR PROXIMITY OF A PUBLIC LIBRARY OR
9 ASSOCIATION LIBRARY.
10 CRIMINAL SALE OF A CONTROLLED SUBSTANCE UPON THE GROUNDS OF A LIBRARY
11 IS A CLASS B FELONY.
12 S 2. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.