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I N S E N A T E

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FO, HANNON, LANZA, LARKIN, LITTLE, MARCELLINO, MARCHIONE, MARTINS,
MAZIARZ, NOZZOLIO, O'MARA, RANZENHOFER, RITCHIE, SAVINO, SEWARD, VALE-
SKY, YOUNG -- 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 homicide by sale of an
opiate controlled substance

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

1 Section 1. Section 220.00 of the penal law is amended by adding a new
2 subdivision 21 to read as follows:

3 21. "OPIATE CONTROLLED SUBSTANCE" MEANS ANY SUBSTANCE LISTED IN SCHED-
4 ULE I, II, III, IV OR V OF SECTION THIRTY-THREE HUNDRED SIX OF THE
5 PUBLIC HEALTH LAW THAT IS CLASSIFIED AS EITHER AN OPIATE OR OPIUM DERIV-
6 ATIVE UNDER SUCH LAW.

7 S 2. The penal law is amended by adding a new section 125.24 to read
8 as follows:

9 S 125.24 HOMICIDE BY SALE OF AN OPIATE CONTROLLED SUBSTANCE.

10 A PERSON IS GUILTY OF HOMICIDE BY SALE OF AN OPIATE CONTROLLED
11 SUBSTANCE WHEN ONE UNLAWFULLY TRANSPORTS BY IMPORTING INTO THE STATE OR
12 TRANSPORTING WITHIN THE STATE FROM ONE COUNTY INTO ANOTHER, OR UNLAW-
13 FULLY SELLS AS DEFINED BY SUBDIVISION ONE OF SECTION 220.00 OF THIS
14 CHAPTER, AN OPIATE CONTROLLED SUBSTANCE AS DEFINED BY SUBDIVISION TWEN-
15 TY-ONE OF SECTION 220.00 OF THIS CHAPTER, AND SUCH OPIATE CONTROLLED
16 SUBSTANCE CAUSES THE DEATH OF ANOTHER.

17 IT SHALL BE A DEFENSE TO HOMICIDE BY SALE OF AN OPIATE CONTROLLED
18 SUBSTANCE THAT THE DEFENDANT JOINTLY AND SIMULTANEOUSLY ACQUIRED AND
19 POSSESSED SUCH OPIATE CONTROLLED SUBSTANCE FOR JOINT USE WITH THE
20 DECEASED, WITH THE INTENT TO JOINTLY INJECT, INHALE OR OTHERWISE INGEST
21 SUCH OPIATE CONTROLLED SUBSTANCE.

22 HOMICIDE BY SALE OF AN OPIATE CONTROLLED SUBSTANCE IS A CLASS A-I
23 FELONY.

24 S 3. This act shall take effect on the ninetieth day after it shall
25 have become a law.

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