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:

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

§ 220.44-a Criminal sale of a controlled substance in or near a methadone clinic.

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

1. a controlled substance in violation of section 220.21 of this article, when such sale takes place within two hundred yards of a methadone clinic; or

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

3. a controlled substance in violation of section 220.39 of this article, when such sale takes place within two hundred yards of a methadone clinic; or

4. a controlled substance in violation of section 220.41 of this article, when such sale takes place within two hundred yards of a methadone clinic; or

5. a controlled substance in violation of section 220.43 of this article, when such sale takes place within two hundred yards of a methadone clinic.

6. For the purposes of this section, a rebuttable presumption shall be 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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of a methadone clinic when notice is conspicuously posted of the presence or proximity of such facility.

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

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

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