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:

Section 1. Section 220.00 of the penal law is amended by adding a new subdivision 14-a to read as follows:

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

§ 2. 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 senior citizen residential grounds.

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

1. a controlled substance in violation of any one of subdivisions one through six-a of section 220.34 of this article, when such sale takes 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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2. a controlled substance in violation of any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon senior citizen residential grounds;

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

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

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

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

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

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

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

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.