STATE OF NEW YORK

8397

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

Introduced by M. of A. STERN, THIELE, LAVINE, GONZALEZ-ROJAS, SIMON, K. BROWN, E. BROWN, DeSTEFANO, GANDOLFO, BLUMENCRANZ, CHANG, DURSO, FLOOD, McDONOUGH, BLANKENBUSH, GRAY, SLATER, BENDETT -- Multi-Sponsored by -- M. of A. SHIMSKY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the award of crime victim assistance funds to victims of overdoses, where such overdoses were the result of deception, surreptitious delivery, or third-party administration of a controlled substance which causes death

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (ii) of paragraph (e) of subdivision 1 of section 632-a of the executive law, as amended by section 24 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph a "specified crime" shall not mean or include an offense defined in any of the following articles of the penal law: articles one hundred fifty-eight, one hundred seventy-eight, [~~two hundred twenty, two hundred twenty-one,~~] two hundred twenty-five, and two hundred thirty.

§ 2. Paragraph (e) of subdivision 1 of section 632-a of the executive law is amended by adding a new subparagraph (iii) to read as follows:

(iii) Notwithstanding the provisions of subparagraph (i) of this paragraph a "specified crime" shall not mean or include an offense defined in article two hundred twenty of the penal law unless it is demonstrated that such offense (A) involves the death of the victim; (B) involves deception, surreptitious delivery, or third-party administration of a controlled substance by another person; and (C) the victim's consumption of the controlled substance was predicated upon, or a direct result of, the deception, surreptitious delivery, or third-party administration by another person. For purposes of this subparagraph, an act of "deception" shall include, but not be limited to, a circumstance where a third-party

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

LBD13551-01-3

sells, administers, delivers, or causes delivery of a mixture, compound, or combination of substances and does not disclose to the immediate next recipient the full and accurate listing of substances contained in such mixture, compound, or combination of substances.

§ 3. Subdivision 5 of section 621 of the executive law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

5. "Victim" shall mean (a) a person who suffers personal physical injury as a direct result of a crime; (b) a person who is the victim of either the crime of (1) unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, (2) kidnapping in the second degree as defined in section 135.20 of the penal law, (3) kidnapping in the first degree as defined in section 135.25 of the penal law, (4) menacing in the first degree as defined in section 120.13 of the penal law, (5) criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, (6) harassment in the second degree as defined in section 240.26 of the penal law, (7) harassment in the first degree as defined in section 240.25 of the penal law, (8) aggravated harassment in the second degree as defined in subdivision three or five of section 240.30 of the penal law, (9) aggravated harassment in the first degree as defined in subdivision two of section 240.31 of the penal law, (10) criminal contempt in the first degree as defined in subdivision (b) or subdivision (c) of section 215.51 of the penal law, (11) stalking in the fourth, third, second or first degree as defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law, (12) labor trafficking as defined in section 135.35 of the penal law, (13) sex trafficking as defined in section 230.34 of the penal law; or (14) sex trafficking of a child as defined in section 230.34-a of the penal law; a vulnerable elderly person or an incompetent or physically disabled person as defined in section 260.31 of the penal law who incurs a loss of savings as defined in subdivision twenty-four of this section; or a person who has had a frivolous lawsuit filed against them**; and (c) a person who suffers death as a result of deception, surreptitious delivery, or third-party administration of a controlled substance by another person under circumstances articulated in subparagraph (iii) of paragraph (e) of subdivision one of section six hundred thirty-two-a of this article**.

§ 4. This act shall take effect immediately.