STATE OF NEW YORK

7063

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. McDONALD -- 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 upon the grounds of a drug or alcohol treatment center, or alcoholics anonymous or narcotics anonymous meeting

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 220.66 to read as follows:

§ 220.66 Criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center, or alcoholics anonymous or narcotics anonymous meeting.

1. A person is guilty of criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center, or alcoholics anonymous or narcotics anonymous meeting when he or she knowing and unlawfully sells a controlled substance in violation of:

(a) subdivision one, two, four, five, six or six-a of section 220.34 of this article, when such sale takes place upon the grounds of a drug or alcohol treatment center, upon the grounds of an alcoholics anonymous meeting, or upon the grounds of a narcotics anonymous meeting; or

(b) subdivision one, two, three, four, five, six, seven or eight of section 220.39 of this article, when such sale takes place upon the grounds of a drug or alcohol treatment center, upon the grounds of an alcoholics anonymous meeting, or upon the grounds of a narcotics anonymous meeting.

2. For the purposes of this section, the following terms shall have the following meanings:

(a) "Upon the grounds of a drug or alcohol treatment center" means:

(i) In, on or within any building, structure, parking lot or land contained within the real property boundary line of any facility that

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

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provides addiction disorder services, as defined by subdivision fifty-five of section 1.03 of the mental hygiene law, or a methadone clinic; or

(ii) Any area accessible to the public located within one thousand feet of the real property boundary line comprising any facility which provides addiction disorder services, as defined in subdivision fifty-five of section 1.03 of the mental hygiene law, or any methadone clinic, or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising such a facility or methadone clinic.

(b) "Area accessible to the public" means sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

(c) "Upon the grounds of an alcoholics anonymous meeting" means:

(i) In, on or within any building, structure, parking lot or land contained within the real property boundary line of any facility which provides a meeting place for alcoholics anonymous, when such group is registered as a meeting place with the General Service Office of Alcoholics Anonymous; or

(ii) Any area accessible to the public located within one thousand feet of the real property boundary line comprising any facility which provides a meeting place for alcoholics anonymous, when such group is registered as a meeting place with the General Service Office of Alcoholics Anonymous, or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising such a facility.

(d) "Upon the grounds of a narcotics anonymous meeting" means:

(i) In, on or within any building, structure, parking lot or land contained within the real property boundary line of any facility which provides a meeting place for narcotics anonymous, when such group is registered as a meeting place with Narcotics Anonymous World Services; or

(ii) Any area accessible to the public located within one thousand feet of the real property boundary line comprising any facility which provides a meeting place for narcotics anonymous, when such group is registered as a meeting place with Narcotics Anonymous World Services or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising such a facility.

3. For the purposes of this section, a rebuttable presumption shall be established that a person has knowledge that they are upon the grounds of a drug or alcohol treatment center, upon the grounds of an alcoholics anonymous meeting, or upon the grounds of a narcotics anonymous meeting when notice is conspicuously posted in the presence of, or proximity to, such grounds.

Criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center, or alcoholics anonymous or narcotics anonymous meeting is a class E felony.

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