

# 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:

1 Section 1. The penal law is amended by adding a new section 220.66 to  
2 read as follows:

3 § 220.66 Criminal sale of a controlled substance upon the grounds of a  
4 drug or alcohol treatment center, or alcoholics anonymous or  
5 narcotics anonymous meeting.

6 1. A person is guilty of criminal sale of a controlled substance upon  
7 the grounds of a drug or alcohol treatment center, or alcoholics anony-  
8 mous or narcotics anonymous meeting when he or she knowing and unlaw-  
9 fully sells a controlled substance in violation of:

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

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

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

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

22 (i) In, on or within any building, structure, parking lot or land  
23 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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1 provides addiction disorder services, as defined by subdivision fifty-  
2 five of section 1.03 of the mental hygiene law, or a methadone clinic;  
3 or

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

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

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

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

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

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

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

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

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

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

47 § 2. This act shall take effect on the first of November next succeed-  
48 ing the date upon which it shall have become a law.