

# STATE OF NEW YORK

8384

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

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

AN ACT to amend the penal law, in relation to enacting "Chelsey's law"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Chelsey's law".

3 § 2. Section 125.15 of the penal law is amended by adding a new subdivi-  
4 sion 2 to read as follows:

5 2. knowing or having reasonable grounds to know that a controlled  
6 substance, or any mixture, compound, or combination of a controlled  
7 substance with other substances, is likely to cause the death of another  
8 person, he or she sells, administers, delivers, or causes the delivery  
9 of a controlled substance to another person and such substance, or  
10 mixture, compound, or combination of substances, causes, contributes to,  
11 or aids in the death of such other person; or

12 § 3. Subdivision 4 of section 125.20 of the penal law, as added by  
13 chapter 477 of the laws of 1990, is amended and a new subdivision 5 is  
14 added to read as follows:

15 4. Being eighteen years old or more and with intent to cause physical  
16 injury to a person less than eleven years old, the defendant recklessly  
17 engages in conduct which creates a grave risk of serious physical injury  
18 to such person and thereby causes the death of such person~~[-]~~; or

19 5. He or she commits the crime of manslaughter in the second degree,  
20 as defined in subdivision two of section 125.15 of this article, and  
21 where:

22 (a) he or she sells, administers, delivers, or causes such delivery to  
23 an individual less than eighteen years old; or

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

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1 (b) the substance, mixture, compound, or combination of substances  
2 includes any substance listed in schedule I, II, III, IV, or V of  
3 section thirty-three hundred six of the public health law that is clas-  
4 sified as either an opiate or opium derivative under such law; or

5 (c) he or she sells, administers, delivers, or causes such delivery to  
6 an individual already impaired by one or more substances; or

7 (d) he or she sells, administers, delivers, or causes such delivery,  
8 while knowing or having reasonable grounds to know that such individual  
9 intended to use one or more additional substances in conjunction with  
10 conveyed substance; or

11 (e) he or she sells, administers, delivers, or causes such delivery,  
12 while knowing or having reasonable grounds to know that such individual  
13 had either completed a drug rehabilitation program or overdosed within  
14 thirty days of such conveyance; or

15 (f) in cases involving a mixture, compound, or combination of  
16 substances, he or she does not disclose to the immediate next recipient  
17 the full and accurate listing of substances contained in such mixture,  
18 compound, or combination of substances.

19 § 4. Subdivision 2 of section 125.22 of the penal law, as added by  
20 chapter 765 of the laws of 2005, is amended and a new subdivision 3 is  
21 added to read as follows:

22 2. with intent to cause the death of a police officer or peace offi-  
23 cer, where such officer was in the course of performing his or her offi-  
24 cial duties and the defendant knew or reasonably should have known that  
25 such victim was a police officer or peace officer, he or she causes the  
26 death of such officer or another police officer or peace officer under  
27 circumstances which do not constitute murder because he or she acts  
28 under the influence of extreme emotional disturbance, as defined in  
29 paragraph (a) of subdivision one of section 125.25 of this article. The  
30 fact that homicide was committed under the influence of extreme  
31 emotional disturbance constitutes a mitigating circumstance reducing  
32 murder to aggravated manslaughter in the first degree or manslaughter in  
33 the first degree and need not be proved in any prosecution initiated  
34 under this subdivision[-]; or

35 3. he or she commits the crime of manslaughter in the second degree,  
36 as defined in subdivision two of section 125.15 of this article, and  
37 where:

38 (a) he or she sells, administers, delivers, or causes such delivery to  
39 an individual less than sixteen years old; or

40 (b) he or she has prior knowledge that the substance, mixture,  
41 compound, or combination of substances (i) has caused the death of  
42 another person or (ii) contains an ingredient, substance, component, or  
43 additive that has caused the death of another person.

44 § 5. The penal law is amended by adding a new section 125.23 to read  
45 as follows:

46 § 125.23 Presumption; controlled substances.

47 In any prosecution under section 125.15, 125.20, or 125.22 of this  
48 article, it shall be presumptive evidence that a controlled substance,  
49 or any mixture, compound, or combination of a controlled substance with  
50 other substances is likely to cause the death of another person when  
51 such substance, or any mixture, compound, or combination of a controlled  
52 substance with other substances, is sold, administered, delivered, or  
53 caused to be delivered without a prescription from a duly licensed  
54 medical professional. The sale, administration, delivery, or caused  
55 delivery of a controlled substance, or any mixture, compound, or combi-  
56 nation of a controlled substance with other substances, by any individ-

1 ual other than a duly licensed medical professional shall be presumptive  
2 evidence that such person knew or had reasonable grounds to know that  
3 such substance, mixture, compound, or combination of substances was  
4 likely to cause the death of such other person.

5 § 6. This act shall take effect immediately.