STATE OF NEW YORK

7790

2023-2024 Regular Sessions

IN SENATE

December 6, 2023

Introduced by Sens. PALUMBO, MATTERA, MURRAY, RHOADS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

§ 2. Section 125.15 of the penal law is amended by adding a new subdivision 2 to read as follows:

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

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

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

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

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

(b) the substance, mixture, compound, or combination of substances includes any substance listed in schedule I, II, III, IV, or V of

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

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section thirty-three hundred six of the public health law that is classified as either an opiate or opium derivative under such law; or

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

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

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

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

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

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

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

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

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

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

§ 125.23 Presumption; controlled substances.

In any prosecution under section 125.15, 125.20, or 125.22 of this article, it shall be presumptive evidence that a controlled substance, or any mixture, compound, or combination of a controlled substance with other substances is likely to cause the death of another person when such substance, or any mixture, compound, or combination of a controlled substance with other substances, is sold, administered, delivered, or caused to be delivered without a prescription from a duly licensed medical professional. The sale, administration, delivery, or caused delivery of a controlled substance, or any mixture, compound, or combination of a controlled substance with other substances, by any individual other than a duly licensed medical professional shall be presumptive evidence that such person knew or had reasonable grounds to know that

such substance, mixture, compound, or combination of substances was likely to cause the death of such other person.

§ 6. This act shall take effect immediately.