

STATE OF NEW YORK

2372

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

Introduced by Sens. PALUMBO, ASHBY, BORRELLO, CANZONERI-FITZPATRICK, GALLIVAN, HELMING, MARTINS, MATTERA, MURRAY, OBERACKER, ORTT, RHOADS, WEBER -- read twice and ordered printed, and when printed to be committed 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, such person 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. The defendant commits the crime of manslaughter in the second
20 degree, as defined in subdivision two of section 125.15 of this article,
21 and where:

22 (a) the defendant sells, administers, delivers, or causes such deliv-
23 ery to 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) the defendant sells, administers, delivers, or causes such deliv-
6 ery to an individual already impaired by one or more substances; or

7 (d) the defendant sells, administers, delivers, or causes such deliv-
8 ery, while knowing or having reasonable grounds to know that such indi-
9 vidual intended to use one or more additional substances in conjunction
10 with conveyed substance; or

11 (e) the defendant sells, administers, delivers, or causes such deliv-
12 ery, while knowing or having reasonable grounds to know that such indi-
13 vidual had either completed a drug rehabilitation program or overdosed
14 within thirty days of such conveyance; or

15 (f) in cases involving a mixture, compound, or combination of
16 substances, the defendant does not disclose to the immediate next recip-
17 ient the full and accurate listing of substances contained in such
18 mixture, 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~~]
24 their official duties and the defendant knew or reasonably should have
25 known that such victim was a police officer or peace officer, [~~he or~~
26 ~~she~~] the defendant causes the death of such officer or another police
27 officer or peace officer under circumstances which do not constitute
28 murder because [~~he or she~~] the defendant acts under the influence of
29 extreme emotional disturbance, as defined in paragraph (a) of subdivi-
30 sion one of section 125.25 of this article. The fact that homicide was
31 committed under the influence of extreme emotional disturbance consti-
32 tutes a mitigating circumstance reducing murder to aggravated
33 manslaughter in the first degree or manslaughter in the first degree and
34 need not be proved in any prosecution initiated under this subdivi-
35 sion[~~-~~]; or

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

39 (a) the defendant sells, administers, delivers, or causes such deliv-
40 ery to an individual less than sixteen years old; or

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

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

47 § 125.23 Presumption; controlled substances.

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

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

6 § 6. This act shall take effect immediately.