§ 480.00 Definitions.

The following definitions are applicable to this article.

1. "Felony offense" means only a felony defined in article two hundred twenty of this chapter, or an attempt or conspiracy to commit any such felony, provided such attempt or conspiracy is punishable as a felony, or solicitation of any such felony provided such solicitation is punishable as a felony.

2. "Property" means real property, personal property, money, negotiable instruments, securities, or anything of value or an interest in a thing of value.

3. "Proceeds" means any property obtained by a defendant through the commission of a felony controlled substance offense, and includes any appreciation in value of such property.

4. "Substituted proceeds" means any property obtained by a defendant by the sale or exchange of proceeds of a felony controlled substance offense, and any gain realized by such sale or exchange.

5. "Instrumentality of a felony controlled substance offense" means any property, other than real property and any buildings, fixtures, appurtenances, and improvements thereon, whose use contributes directly and materially to the commission of a felony controlled substance offense.

6. "Real property instrumentality of a crime" means an interest in real property the use of which contributes directly and materially to the commission of a specified felony offense.

7. "Specified felony offense" means:

(a) a conviction of a person for a violation of section 220.18, 220.21, 220.41, 220.43, or 220.77 of this chapter, or where the accusatory instrument charges one or more of such offenses, conviction upon a plea of guilty to any of the felonies for which such plea is

otherwise authorized by law or a conviction of a person for conspiracy to commit a violation of section 220.18, 220.21, 220.41, 220.43, or 220.77 of this chapter, where the controlled substances which are the object of the conspiracy are located in the real property which is the subject of the forfeiture action; or

(b) three or more violations of any of the felonies defined in section 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43 or 220.77 of this chapter, which violations do not constitute a single criminal offense as defined in subdivision one of section 40.10 of the criminal procedure law, or a single criminal transaction, as defined in paragraph (a) of subdivision two of section 40.10 of the criminal procedure law, and at least one of which resulted in a conviction of such offense, or where the accusatory instrument charges one or more of such felonies, conviction upon a plea of guilty to a felony for which such plea is otherwise authorized by law; or

(c) a conviction of a person for a violation of section 220.09, 220.16, 220.34 or 220.39 of this chapter, or where the accusatory instrument charges any such felony, conviction upon a plea of guilty to a felony for which the plea is otherwise authorized by law, together with evidence which: (i) provides substantial indicia that the defendant used the real property to engage in a continual, ongoing course of conduct involving the unlawful mixing, compounding, manufacturing, warehousing, or packaging of controlled substances as part of an illegal trade or business for gain; and (ii) establishes, where the conviction is for possession of a controlled substance, that such possession was with the intent to sell it.