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Committee Assignment: Assembly Freedom 3

Bill #:AF-18

**Sponsors:** Harrison Bender, Skyler Mongardi, Baylee Vester

**An Act To**

Amend § 70.70 of the New York State Penal Law to mandate the rehabilitation of minors convicted of possession of controlled substances.

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

**Purpose**

To provide rehabilitation for minors convicted of possession of controlled substances.

**Summary of Provisions**

Section 1: Definitions

Controlled Substance: A drug or chemical whose manufacture, possession, or use is regulated by a government, such as illicitly used drugs or prescription medications that are designated by law.

Schedule II Drug: Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence.

Minor: A person under the age of full legal responsibility.

Class A Misdemeanor: A court may sentence an individual to a maximum of one year in jail or three years probation. In addition, a fine of up to \$1,000 or twice the amount of the individual's gain from the crime may be imposed.

Class D Non-Violent Felony: Ranges from No Jail with Probation, to a maximum of 7 years.

Section 2:

§ 70.70 Sentence of Imprisonment for felony drug offender other than a class A felony.

(d) The court may direct that a determinate sentence imposed on a defendant convicted of a class B felony, other than the class B felony defined in section 220.48 of this chapter, pursuant to this subdivision be executed as a sentence of parole supervision in accordance with section 410.91 of the criminal procedure law.

(e) The court will direct that a determinate sentence imposed on a defendant, who is a minor, convicted of a class A misdemeanor or a class D felony pursuant to this subdivision, will be executed as a sentence of appropriate mandatory rehabilitation in accordance with section §220.03 and §220.06 of the penal law.

**Justification**



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One in five adults admit to abusing recreational or prescription drugs during their teenage years, meaning nearly two hundred thousand children admitted to being victimized by the lack of guidance in our communities and court system. There are certainly thousands more people not admitting to abusing these drugs that are likely feeling the lasting effects every day, and something needs to lower this number. Community organizations such as the Office of Addiction Services and Supports (OASAS), New York State Health Council, and The Substance Abuse and Mental Health Services Administration (SAMHSA) are doing their part, yet our court systems seem to frequently come up short with a seventy-seven percent recidivism rate of drug offenders. With our bill, there will be less recidivism due to the rehabilitation of these vulnerable minor offenders as there were in other nations.

**Fiscal Implications**

State rehabilitation centers are already covered by the state budget. Any non-state rehabilitation centers will be paid for by the insurance company the individual is under, and the difference will be paid for by the state. If needed, funds will be added to the budget to compensate for the influx of new patients as it has in the past.

**Effective Date**

This bill will go into effect one year after its passage.