

STATE OF NEW YORK

8592

2017-2018 Regular Sessions

IN ASSEMBLY

July 10, 2017

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawful disposal of a hypodermic instrument

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

1 Section 1. The penal law is amended by adding a new section 220.79 to
2 read as follows:

3 § 220.79 Unlawful disposal of a hypodermic instrument.

4 A person is guilty of unlawful disposal of a hypodermic instrument
5 when he or she knowingly disposes of, or possesses with the intent to
6 dispose of, a needle or syringe under circumstances that create a
7 substantial risk to human health or safety or a substantial danger to
8 the environment, including, but not limited to, disposal in a park,
9 public playground or other such public area.

10 Unlawful disposal of a hypodermic instrument is a class A misdemeanor.

11 § 2. In the event of a successful conviction of unlawful disposal of a
12 hypodermic instrument, pursuant to section 220.79 of the penal law, as
13 added by section one of this act, provided that the disposed hypodermic
14 instrument was tested for residue of, or found to contain, any
15 controlled substance, narcotic drug, or hallucinogen as defined by
16 section 220.00 of the penal law, the convicted party may, in addition to
17 the imposed sentence and/or fine, be required at the sentencing authority's
18 discretion, to participate in a counseling program offered by the
19 state relevant to the drug the tested needle was, or may be, used to
20 consume. The number of hours of counseling required will be at the
21 discretion of the sentencing authority.

22 § 3. All state agencies are hereby required to act in a manner
23 consistent with facilitating sentenced individuals' attendance for
24 mandated counseling. State agencies shall provide convicted individuals
25 under section 220.79 of the penal law, as added by section one of this
26 act, with proof that they attended the mandated counseling hours.

27 § 4. This act shall take effect immediately.

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

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