

# STATE OF NEW YORK

6720

2017-2018 Regular Sessions

## IN SENATE

June 14, 2017

Introduced by Sen. TEDISCO -- 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 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 authori-  
18 ty's 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

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

LBD13143-02-7

1 under section 220.79 of the penal law, as added by section one of this  
2 act, with proof that they attended the mandated counseling hours.  
3 § 4. This act shall take effect immediately.