

8396--A

Cal. No. 586

2009-2010 Regular Sessions

I N A S S E M B L Y

May 19, 2009

Introduced by M. of A. GOTTFRIED, LENTOL, JEFFRIES -- (at request of the Governor) -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to hypodermic syringes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 220.03 of the penal law, as amended by chapter 410  
2 of the laws of 1979, is amended to read as follows:

3 S 220.03 Criminal possession of a controlled substance in the seventh  
4 degree.

5 A person is guilty of criminal possession of a controlled substance in  
6 the seventh degree when he OR SHE knowingly and unlawfully possesses a  
7 controlled substance; PROVIDED, HOWEVER, THAT IT SHALL NOT BE A  
8 VIOLATION OF THIS SECTION WHEN A PERSON POSSESSES A RESIDUAL AMOUNT OF A  
9 CONTROLLED SUBSTANCE AND THAT RESIDUAL AMOUNT IS IN OR ON A HYPODERMIC  
10 SYRINGE OR HYPODERMIC NEEDLE OBTAINED AND POSSESSED PURSUANT TO SECTION  
11 THIRTY-THREE HUNDRED EIGHTY-ONE OF THE PUBLIC HEALTH LAW.

12 Criminal possession of a controlled substance in the seventh degree is  
13 a class A misdemeanor.

14 S 2. Section 220.45 of the penal law is amended to read as follows:  
15 S 220.45 Criminally possessing a hypodermic instrument.

16 A person is guilty of criminally possessing a hypodermic instrument  
17 when he OR SHE knowingly and unlawfully possesses or sells a hypodermic  
18 syringe or hypodermic needle. IT SHALL NOT BE A VIOLATION OF THIS  
19 SECTION WHEN A PERSON OBTAINS AND POSSESSES A HYPODERMIC SYRINGE OR  
20 HYPODERMIC NEEDLE PURSUANT TO SECTION THIRTY-THREE HUNDRED EIGHTY-ONE OF  
21 THE PUBLIC HEALTH LAW.

22 Criminally possessing a hypodermic instrument is a class A misdemea-  
23 nor.

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

LBD12057-04-0

1 S 3. The commissioner of the division of criminal justice services  
2 shall take steps necessary to periodically inform law enforcement agen-  
3 cies and prosecutors of the rights of individuals to possess hypodermic  
4 syringes and hypodermic needles and residual amounts of controlled  
5 substances in or on certain hypodermic syringes and needles pursuant to  
6 section 3381 of the public health law and the methods and procedures  
7 available to verify and confirm that a person in possession of a hypo-  
8 dermic syringe or hypodermic needle is in lawful possession of such  
9 syringe or needle as a result of his or her participation in the program  
10 created pursuant to section 3381 of the public health law.

11 S 4. This act shall take effect on the ninetieth day after it shall  
12 have become a law.