

S. 549

A. 1561

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sen. ADAMS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. CAMARA -- Multi-Sponsored by -- M.  
of A. ALFANO, CALHOUN, ESPAILLAT, HOOPER, JEFFRIES, MAISEL, N. RIVERA,  
ROBINSON, TITONE, TOWNS, WALKER, ZEBROWSKI -- read once and referred  
to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal possession of a  
controlled substance

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

1     Section 1. Section 220.06 of the penal law, as amended by chapter 75  
2     of the laws of 1995, subdivision 4 as amended by chapter 537 of the laws  
3     of 1998, subdivision 6 as added by chapter 635 of the laws of 1997,  
4     subdivision 7 as amended and subdivision 8 as added by chapter 264 of  
5     the laws of 2003, is amended to read as follows:  
6     S 220.06 Criminal possession of a controlled substance in the fifth  
7     degree.  
8     A person is guilty of criminal possession of a controlled substance in  
9     the fifth degree when he knowingly and unlawfully possesses:  
10    1. a controlled substance with intent to sell it; or  
11    2. one or more preparations, compounds, mixtures or substances  
12    containing a narcotic preparation and said preparations, compounds,  
13    mixtures or substances are of an aggregate weight of one-half ounce or  
14    more; or  
15    3. phencyclidine and said phencyclidine weighs fifty milligrams or  
16    more; or  
17    4. one or more preparations, compounds, mixtures or substances  
18    containing concentrated cannabis as defined in paragraph (a) of subdivi-  
19    sion four of section thirty-three hundred two of the public health law  
20    and said preparations, compounds, mixtures or substances are of an  
21    aggregate weight of one-fourth ounce or more; or

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

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1 5. cocaine and said cocaine weighs five hundred milligrams or more[.];  
2 OR

3 6. ketamine and said ketamine weighs more than one thousand milli-  
4 grams; or

5 7. ketamine and has previously been convicted of possession or the  
6 attempt to commit possession of ketamine in any amount; or

7 8. one or more preparations, compounds, mixtures or substances  
8 containing gamma hydroxybutyric acid, as defined in paragraph four of  
9 subdivision (e) of schedule I of section thirty-three hundred six of the  
10 public health law, and said preparations, compounds, mixtures or  
11 substances are of an aggregate weight of twenty-eight grams or more; OR

12 9. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN ONE  
13 THOUSAND MILLIGRAMS OR MORE THAN ONE THOUSAND PILLS.

14 Criminal possession of a controlled substance in the fifth degree is a  
15 class D felony.

16 S 2. Section 220.09 of the penal law, as amended by chapter 75 of the  
17 laws of 1995, subdivision 10 as amended by chapter 537 of the laws of  
18 1998, subdivision 13 as amended by chapter 635 of the laws of 1997,  
19 subdivision 14 as amended and subdivision 15 as added by chapter 264 of  
20 the laws of 2003, is amended to read as follows:

21 S 220.09 Criminal possession of a controlled substance in the fourth  
22 degree.

23 A person is guilty of criminal possession of a controlled substance in  
24 the fourth degree when he knowingly and unlawfully possesses:

25 1. one or more preparations, compounds, mixtures or substances  
26 containing a narcotic drug and said preparations, compounds, mixtures or  
27 substances are of an aggregate weight of one-eighth ounce or more; or

28 2. one or more preparations, compounds, mixtures or substances  
29 containing methamphetamine, its salts, isomers or salts of isomers and  
30 said preparations, compounds, mixtures or substances are of an aggregate  
31 weight of one-half ounce or more; or

32 3. one or more preparations, compounds, mixtures or substances  
33 containing a narcotic preparation and said preparations, compounds,  
34 mixtures or substances are of an aggregate weight of two ounces or more;  
35 or

36 4. a stimulant and said stimulant weighs one gram or more; or

37 5. lysergic acid diethylamide and said lysergic acid diethylamide  
38 weighs one milligram or more; or

39 6. a hallucinogen and said hallucinogen weighs twenty-five milligrams  
40 or more; or

41 7. a hallucinogenic substance and said hallucinogenic substance weighs  
42 one gram or more; or

43 8. a dangerous depressant and such dangerous depressant weighs ten  
44 ounces or more; or

45 9. a depressant and such depressant weighs two pounds or more; or

46 10. one or more preparations, compounds, mixtures or substances  
47 containing concentrated cannabis as defined in paragraph (a) of subdivi-  
48 sion four of section thirty-three hundred two of the public health law  
49 and said preparations, compounds, mixtures or substances are of an  
50 aggregate weight of one ounce or more; or

51 11. phencyclidine and said phencyclidine weighs two hundred fifty  
52 milligrams or more; or

53 12. methadone and said methadone weighs three hundred sixty milligrams  
54 or more; or

55 13. phencyclidine and said phencyclidine weighs fifty milligrams or  
56 more with intent to sell it and has previously been convicted of an

1 offense defined in this article or the attempt or conspiracy to commit  
2 any such offense; or

3 14. ketamine and said ketamine weighs four thousand milligrams or  
4 more; or

5 15. one or more preparations, compounds, mixtures or substances  
6 containing gamma hydroxybutyric acid, as defined in paragraph four of  
7 subdivision (e) of schedule I of section thirty-three hundred six of the  
8 public health law, and said preparations, compounds, mixtures or  
9 substances are of an aggregate weight of two hundred grams or more; OR

10 16. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN FIVE  
11 THOUSAND MILLIGRAMS OR MORE THAN TWELVE THOUSAND FIVE HUNDRED PILLS.

12 Criminal possession of a controlled substance in the fourth degree is  
13 a class C felony.

14 S 3. Section 220.16 of the penal law, as amended by chapter 75 of the  
15 laws of 1995, is amended to read as follows:

16 S 220.16 Criminal possession of a controlled substance in the third  
17 degree.

18 A person is guilty of criminal possession of a controlled substance in  
19 the third degree when he knowingly and unlawfully possesses:

20 1. a narcotic drug with intent to sell it; or

21 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic  
22 acid diethylamide, with intent to sell it and has previously been con-  
23 victed of an offense defined in THIS article [two hundred twenty] or the  
24 attempt or conspiracy to commit any such offense; or

25 3. a stimulant with intent to sell it and said stimulant weighs one  
26 gram or more; or

27 4. lysergic acid diethylamide with intent to sell it and said lyserg-  
28 ic acid diethylamide weighs one milligram or more; or

29 5. a hallucinogen with intent to sell it and said hallucinogen weighs  
30 twenty-five milligrams or more; or

31 6. a hallucinogenic substance with intent to sell it and said hallu-  
32 cinogenic substance weighs one gram or more; or

33 7. one or more preparations, compounds, mixtures or substances  
34 containing methamphetamine, its salts, isomers or salts of isomers with  
35 intent to sell it and said preparations, compounds, mixtures or  
36 substances are of an aggregate weight of one-eighth ounce or more; or

37 8. a stimulant and said stimulant weighs five grams or more; or

38 9. lysergic acid diethylamide and said lysergic acid diethylamide  
39 weighs five milligrams or more; or

40 10. a hallucinogen and said hallucinogen weighs one hundred twenty-  
41 five milligrams or more; or

42 11. a hallucinogenic substance and said hallucinogenic substance  
43 weighs five grams or more; or

44 12. one or more preparations, compounds, mixtures or substances  
45 containing a narcotic drug and said preparations, compounds, mixtures or  
46 substances are of an aggregate weight of one-half ounce or more; or

47 13. phencyclidine and said phencyclidine weighs one thousand two  
48 hundred fifty milligrams or more; OR

49 14. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN TWEN-  
50 TY-FIVE THOUSAND MILLIGRAMS OR MORE THAN SIXTY-TWO THOUSAND FIVE HUNDRED  
51 PILLS.

52 Criminal possession of a controlled substance in the third degree is a  
53 class B felony.

54 S 4. This act shall take effect on the one hundred eightieth day after  
55 it shall have become a law.