

552

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the penal law, in relation to creating the crime of
aggravated criminal sale of marihuana

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

1 Section 1. The penal law is amended by adding a new section 221.43 to
2 read as follows:
3 S 221.43 AGGRAVATED CRIMINAL SALE OF MARIHUANA.
4 A PERSON IS GUILTY OF AGGRAVATED CRIMINAL SALE OF MARIHUANA WHEN HE OR
5 SHE STANDS CONVICTED OF CRIMINAL SALE OF MARIHUANA IN THE FIFTH DEGREE
6 AS DEFINED IN SECTION 221.35 OF THIS ARTICLE OR CRIMINAL SALE OF MARI-
7 HUANA IN THE FOURTH DEGREE AS DEFINED IN SECTION 221.40 OF THIS ARTICLE,
8 AND, WITHIN THE PREVIOUS FIVE YEAR PERIOD, HAS BEEN CONVICTED TWO OR
9 MORE TIMES, IN SEPARATE CRIMINAL TRANSACTIONS, FOR WHICH SENTENCE WAS
10 IMPOSED, OF CRIMINAL SALE OF MARIHUANA IN THE FIFTH DEGREE AS DEFINED IN
11 SECTION 221.35 OF THIS ARTICLE OR CRIMINAL SALE OF MARIHUANA IN THE
12 FOURTH DEGREE AS DEFINED IN SECTION 221.40 OF THIS ARTICLE.
13 AGGRAVATED CRIMINAL SALE OF MARIHUANA IS A CLASS E FELONY.
14 S 2. This act shall take effect on the first of November next succeed-
15 ing the date on which it shall have become a law.

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

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