S T A T E O F N E W Y O R K

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 220.06 of the penal law, as amended by chapter 75 of the laws of 1995, subdivision 4 as amended by chapter 537 of the laws of 1998, subdivision 6 as added by chapter 635 of the laws of 1997, subdivision 7 as amended and subdivision 8 as added by chapter 264 of the laws of 2003, is amended to read as follows:

S 220.06 Criminal possession of a controlled substance in the fifth degree.

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

1. a controlled substance with intent to sell it; or

2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or

3. phencyclidine and said phencyclidine weighs fifty milligrams or more; or

4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law and said preparations, compounds, mixtures or substances are of an 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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5. cocaine and said cocaine weighs five hundred milligrams or more[.]; OR

6. ketamine and said ketamine weighs more than one thousand milligrams; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. lysergic acid diethylamide with intent to sell it and said lysergic acid diethylamide weighs one milligram or more; or

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

6. a hallucinogenic substance with intent to sell it and said hallucinogenic substance weighs one gram or more; or

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

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

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

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

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

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

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

14. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN TWENTY-FIVE THOUSAND MILLIGRAMS OR MORE THAN SIXTY-TWO THOUSAND FIVE HUNDRED PILLS.

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

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