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

5620

2009-2010 Regular Sessions

I N S E N A T E

May 22, 2009

Introduced by Sens. DUANE, SCHNEIDERMAN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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:

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

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

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

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

S 2. Section 220.45 of the penal law is amended to read as follows:

S 220.45 Criminally possessing a hypodermic instrument.

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

Criminally possessing a hypodermic instrument is a class A misdemeanor.

S 3. The commissioner of the division of criminal justice services shall take steps necessary to periodically inform law enforcement agen-

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

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cies and prosecutors of the rights of individuals to possess hypodermic syringes and hypodermic needles and residual amounts of controlled substances in or on certain hypodermic syringes and needles pursuant to section 3381 of the public health law and the methods and procedures available to verify and confirm that a person in possession of a hypodermic syringe or hypodermic needle is in lawful possession of such syringe or needle as a result of his or her participation in the program created pursuant to section 3381 of the public health law.

S 4. This act shall take effect November 1, 2009.