

8676

2011-2012 Regular Sessions

I N   A S S E M B L Y

October 27, 2011

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

AN ACT to amend the penal law, in relation to enacting the possession of  
marihuana enforcement clarification act

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

1     Section 1. Subdivision 2 of section 221.10 of the penal law, as  
2     amended by chapter 75 of the laws of 1995, is amended to read as  
3     follows:  
4     2. one or more preparations, compounds, mixtures or substances  
5     containing marihuana and the preparations, compounds, mixtures or  
6     substances are of an aggregate weight of more than twenty-five grams;  
7     PROVIDED THAT A PERSON SHALL NOT BE CHARGED UNDER THIS SECTION WHO IS  
8     REQUESTED OR COMPELLED BY A PEACE OFFICER AS DEFINED IN SECTION 2.10 OF  
9     THE CRIMINAL PROCEDURE LAW OR A LAW ENFORCEMENT OFFICER AS DEFINED IN  
10    SECTION 2.15 OF THE CRIMINAL PROCEDURE LAW OR A POLICE OFFICER AS  
11    DEFINED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL  
12    PROCEDURE LAW TO ENGAGE IN BEHAVIOR THAT RESULTS IN THE PUBLIC DISPLAY  
13    OF MARIHUANA, OR WHEN THE MARIHUANA IS PUBLICLY DISPLAYED PURSUANT TO A  
14    SEARCH OF THE SUBJECT'S PERSON OR UPON DIRECTION OF THE SUBJECT TO  
15    SURRENDER THE CONTENTS OF HIS OR HER POCKETS OR OTHERWISE CLOSED  
16    CONTAINER BY A PEACE OFFICER, LAW ENFORCEMENT OFFICER OR POLICE OFFICER  
17    LAWFULLY EXERCISING HIS OR HER DUTY AS A POLICE OFFICER.  
18    S 2. This act shall take effect immediately.

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

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