

2970

2011-2012 Regular Sessions

I N S E N A T E

February 4, 2011

Introduced by Sen. ESPAILLAT -- 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 criminal possession of a weapon while in unlawful possession of a controlled substance or marijuana

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

1 Section 1. The penal law is amended by adding a new section 265.18 to
2 read as follows:
3 S 265.18 CRIMINAL POSSESSION OF A WEAPON WHILE IN UNLAWFUL POSSESSION OF
4 A CONTROLLED SUBSTANCE OR MARIHUANA.
5 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A WEAPON WHILE IN UNLAW-
6 FUL POSSESSION OF A CONTROLLED SUBSTANCE OR MARIHUANA WHEN HE OR SHE
7 PHYSICALLY POSSESSES A WEAPON IN VIOLATION OF SECTION 265.01 OF THIS
8 ARTICLE WHILE, AT THE SAME TIME, HE OR SHE PHYSICALLY POSSESSES A
9 CONTROLLED SUBSTANCE IN VIOLATION OF SECTION 220.03 OR MARIHUANA IN
10 VIOLATION OF SECTION 221.15 OF THIS CHAPTER.
11 CRIMINAL POSSESSION OF A WEAPON WHILE IN UNLAWFUL POSSESSION OF A
12 CONTROLLED SUBSTANCE OR MARIHUANA IS A CLASS E FELONY.
13 S 2. This act shall take effect on the first of November next succeed-
14 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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