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

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I N A S S E M B L Y

June 6, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jeffries, Silver, Lentol, Rodriguez, Wright, Peoples-Stokes, Gottfried, Jaffee, O'Donnell, Aubry, Stevenson, Roberts, Gibson, Perry, Braunstein, Boyland, Rosenthal, Farrell, Camara, Ortiz, Abinanti, Benedetto, Brennan, Castro, Clark, Cook, Crespo, DenDekker, Dinowitz, Galef, Glick, Heastie, Hevesi, Kellner, Lavine, Lifton, Linares, Lupardo, M. Miller, Morelle, Moya, Pretlow, Reilly, P. Rivera, Scarborough, Schimel, Titone) -- (at request of the Governor) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal possession of marihuana in the fifth degree

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

Section 1. Section 221.10 of the penal law, as amended by chapter 265 of the laws of 1979 and subdivision 2 as amended by chapter 75 of the laws of 1995, is amended to read as follows:

S 221.10 Criminal possession of marihuana in the fifth degree.

A person is guilty of criminal possession of marihuana in the fifth degree when he OR SHE knowingly and unlawfully possesses:

1. marihuana in a public place, as defined in section 240.00 of this chapter, and such marihuana is burning [or open to public view]; or

2. one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams.

Criminal possession of marihuana in the fifth degree is a class B misdemeanor.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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