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2011-2012 Regular Sessions

I N A S S E M B L Y

October 27, 2011

Introduced by M. of A. SMARDZ, CROUCH, McDONOUGH, CORWIN, LOSQUADRO,
HAWLEY, GRAF, BURLING, MONTESANO, CONTE, GABRYSZAK -- Multi-Sponsored
by -- M. of A. ARROYO -- read once and referred to the Committee on
Codes

AN ACT to amend the penal law, in relation to the possession and sale of
methamphetamine

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

1 Section 1. Subdivision 8 of section 220.06 of the penal law, as added
2 by chapter 264 of the laws of 2003, is amended and a new subdivision 9
3 is added to read as follows:
4 8. one or more preparations, compounds, mixtures or substances
5 containing gamma hydroxybutyric acid, as defined in paragraph four of
6 subdivision (e) of schedule I of section thirty-three hundred six of the
7 public health law, and said preparations, compounds, mixtures or
8 substances are of an aggregate weight of twenty-eight grams or more[.];
9 OR
10 9. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES
11 CONTAINING METHAMPHETAMINE, ITS SALTS, ISOMERS OR SALTS OF ISOMERS AND
12 SAID PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES ARE OF AN AGGREGATE
13 WEIGHT OF ONE HUNDRED MILLIGRAMS OR MORE.
14 S 2. Subdivision 2 of section 220.09 of the penal law, as amended by
15 chapter 75 of the laws of 1995, is amended to read as follows:
16 2. one or more preparations, compounds, mixtures or substances
17 containing methamphetamine, its salts, isomers or salts of isomers and
18 said preparations, compounds, mixtures or substances are of an aggregate
19 weight of [one-half ounce] ONE GRAM or more; or
20 S 3. Subdivision 7 of section 220.16 of the penal law, as amended by
21 chapter 75 of the laws of 1995, is amended to read as follows:
22 7. one or more preparations, compounds, mixtures or substances
23 containing methamphetamine, its salts, isomers or salts of isomers with

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

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1 intent to sell it [and] OR said preparations, compounds, mixtures or
2 substances are of an aggregate weight of one-eighth ounce or more; or

3 S 4. Subdivision 2 of section 220.21 of the penal law, as amended by
4 chapter 75 of the laws of 1995, is amended and a new subdivision 3 is
5 added to read as follows:

6 2. methadone and said methadone weighs five thousand seven hundred
7 sixty milligrams or more[.]; OR

8 3. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES
9 CONTAINING METHAMPHETAMINE, ITS SALTS, ISOMERS OR SALTS OF ISOMERS AND
10 SAID PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES ARE OF AN AGGREGATE
11 WEIGHT OF FIVE OUNCES OR MORE.

12 S 5. Subdivision 7 of section 220.39 of the penal law, as amended by
13 chapter 75 of the laws of 1995, is amended to read as follows:

14 7. one or more preparations, compounds, mixtures or substances
15 containing methamphetamine, its salts, isomers or salts of isomers [and
16 the preparations, compounds, mixtures or substances are of an aggregate
17 weight of one-eighth ounce or more]; or

18 S 6. Subdivision 2 of section 220.43 of the penal law, as amended by
19 chapter 75 of the laws of 1995, is amended and a new subdivision 3 is
20 added to read as follows:

21 2. methadone and the methadone weighs two thousand eight hundred
22 eighty milligrams or more[.]; OR

23 3. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES
24 CONTAINING METHAMPHETAMINE, ITS SALTS, ISOMERS OR SALTS OF ISOMERS AND
25 SAID PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES ARE OF AN AGGREGATE
26 WEIGHT OF TWO OUNCES OR MORE.

27 S 7. This act shall take effect on the first of November next succeed-
28 ing the date on which it shall have become a law and shall apply only to
29 offenses committed on or after such date; offenses committed prior to
30 such date shall be governed by the provisions of law in effect at the
31 time the offense was committed.