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

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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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 8 of section 220.06 of the penal law, as added by chapter 264 of the laws of 2003, is amended and a new subdivision 9 is added to read as follows:

8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more[.]; OR

9. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES CONTAINING METHAMPHETAMINE, ITS SALTS, ISOMERS OR SALTS OF ISOMERS AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF ONE HUNDRED MILLIGRAMS OR MORE.

S 2. Subdivision 2 of section 220.09 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of [one-half ounce] ONE GRAM or more; or

S 3. Subdivision 7 of section 220.16 of the penal law, as amended by chapter 75 of the laws of 1995, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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