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

8676

2011-2012 Regular Sessions

I N A S S E M B L Y

October 27, 2011

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 221.10 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 marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams; PROVIDED THAT A PERSON SHALL NOT BE CHARGED UNDER THIS SECTION WHO IS REQUESTED OR COMPELLED BY A PEACE OFFICER AS DEFINED IN SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW OR A LAW ENFORCEMENT OFFICER AS DEFINED IN SECTION 2.15 OF THE CRIMINAL PROCEDURE LAW OR A POLICE OFFICER AS DEFINED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW TO ENGAGE IN BEHAVIOR THAT RESULTS IN THE PUBLIC DISPLAY OF MARIHUANA, OR WHEN THE MARIHUANA IS PUBLICLY DISPLAYED PURSUANT TO A SEARCH OF THE SUBJECT'S PERSON OR UPON DIRECTION OF THE SUBJECT TO SURRENDER THE CONTENTS OF HIS OR HER POCKETS OR OTHERWISE CLOSED CONTAINER BY A PEACE OFFICER, LAW ENFORCEMENT OFFICER OR POLICE OFFICER LAWFULLY EXERCISING HIS OR HER DUTY AS A POLICE OFFICER.

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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