

3978

2011-2012 Regular Sessions

I N S E N A T E

March 11, 2011

Introduced by Sen. ADAMS -- 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 controlled substance

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

1 Section 1. Section 220.06 of the penal law, as amended by chapter 75
2 of the laws of 1995, subdivision 4 as amended by chapter 537 of the laws
3 of 1998, subdivision 6 as added by chapter 635 of the laws of 1997,
4 subdivision 7 as amended and subdivision 8 as added by chapter 264 of
5 the laws of 2003, is amended to read as follows:
6 S 220.06 Criminal possession of a controlled substance in the fifth
7 degree.
8 A person is guilty of criminal possession of a controlled substance in
9 the fifth degree when he knowingly and unlawfully possesses:
10 1. a controlled substance with intent to sell it; or
11 2. one or more preparations, compounds, mixtures or substances
12 containing a narcotic preparation and said preparations, compounds,
13 mixtures or substances are of an aggregate weight of one-half ounce or
14 more; or
15 3. phencyclidine and said phencyclidine weighs fifty milligrams or
16 more; or
17 4. one or more preparations, compounds, mixtures or substances
18 containing concentrated cannabis as defined in paragraph (a) of subdivi-
19 sion four of section thirty-three hundred two of the public health law
20 and said preparations, compounds, mixtures or substances are of an
21 aggregate weight of one-fourth ounce or more; or
22 5. cocaine and said cocaine weighs five hundred milligrams or more[.];
23 OR
24 6. ketamine and said ketamine weighs more than one thousand milli-
25 grams; or

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

LBD03876-01-1

1 7. ketamine and has previously been convicted of possession or the
2 attempt to commit possession of ketamine in any amount; or

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

8 9. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN ONE
9 THOUSAND MILLIGRAMS OR MORE THAN ONE THOUSAND PILLS.

10 Criminal possession of a controlled substance in the fifth degree is a
11 class D felony.

12 S 2. Section 220.09 of the penal law, as amended by chapter 75 of the
13 laws of 1995, subdivision 10 as amended by chapter 537 of the laws of
14 1998, subdivision 13 as amended by chapter 635 of the laws of 1997,
15 subdivision 14 as amended and subdivision 15 as added by chapter 264 of
16 the laws of 2003, is amended to read as follows:

17 S 220.09 Criminal possession of a controlled substance in the fourth
18 degree.

19 A person is guilty of criminal possession of a controlled substance in
20 the fourth degree when he knowingly and unlawfully possesses:

21 1. one or more preparations, compounds, mixtures or substances
22 containing a narcotic drug and said preparations, compounds, mixtures or
23 substances are of an aggregate weight of one-eighth ounce or more; or

24 2. one or more preparations, compounds, mixtures or substances
25 containing methamphetamine, its salts, isomers or salts of isomers and
26 said preparations, compounds, mixtures or substances are of an aggregate
27 weight of one-half ounce or more; or

28 3. one or more preparations, compounds, mixtures or substances
29 containing a narcotic preparation and said preparations, compounds,
30 mixtures or substances are of an aggregate weight of two ounces or more;
31 or

32 4. a stimulant and said stimulant weighs one gram or more; or

33 5. lysergic acid diethylamide and said lysergic acid diethylamide
34 weighs one milligram or more; or

35 6. a hallucinogen and said hallucinogen weighs twenty-five milligrams
36 or more; or

37 7. a hallucinogenic substance and said hallucinogenic substance weighs
38 one gram or more; or

39 8. a dangerous depressant and such dangerous depressant weighs ten
40 ounces or more; or

41 9. a depressant and such depressant weighs two pounds or more; or

42 10. one or more preparations, compounds, mixtures or substances
43 containing concentrated cannabis as defined in paragraph (a) of subdivi-
44 sion four of section thirty-three hundred two of the public health law
45 and said preparations, compounds, mixtures or substances are of an
46 aggregate weight of one ounce or more; or

47 11. phencyclidine and said phencyclidine weighs two hundred fifty
48 milligrams or more; or

49 12. methadone and said methadone weighs three hundred sixty milligrams
50 or more; or

51 13. phencyclidine and said phencyclidine weighs fifty milligrams or
52 more with intent to sell it and has previously been convicted of an
53 offense defined in this article or the attempt or conspiracy to commit
54 any such offense; or

55 14. ketamine and said ketamine weighs four thousand milligrams or
56 more; or

1 15. one or more preparations, compounds, mixtures or substances
2 containing gamma hydroxybutyric acid, as defined in paragraph four of
3 subdivision (e) of schedule I of section thirty-three hundred six of the
4 public health law, and said preparations, compounds, mixtures or
5 substances are of an aggregate weight of two hundred grams or more; OR

6 16. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN FIVE
7 THOUSAND MILLIGRAMS OR MORE THAN TWELVE THOUSAND FIVE HUNDRED PILLS.

8 Criminal possession of a controlled substance in the fourth degree is
9 a class C felony.

10 S 3. Section 220.16 of the penal law, as amended by chapter 75 of the
11 laws of 1995, is amended to read as follows:

12 S 220.16 Criminal possession of a controlled substance in the third
13 degree.

14 A person is guilty of criminal possession of a controlled substance in
15 the third degree when he knowingly and unlawfully possesses:

16 1. a narcotic drug with intent to sell it; or

17 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic
18 acid diethylamide, with intent to sell it and has previously been con-
19 victed of an offense defined in THIS article [two hundred twenty] or the
20 attempt or conspiracy to commit any such offense; or

21 3. a stimulant with intent to sell it and said stimulant weighs one
22 gram or more; or

23 4. lysergic acid diethylamide with intent to sell it and said lysergic
24 acid diethylamide weighs one milligram or more; or

25 5. a hallucinogen with intent to sell it and said hallucinogen weighs
26 twenty-five milligrams or more; or

27 6. a hallucinogenic substance with intent to sell it and said hallu-
28 cinogenic substance weighs one gram or more; or

29 7. one or more preparations, compounds, mixtures or substances
30 containing methamphetamine, its salts, isomers or salts of isomers with
31 intent to sell it and said preparations, compounds, mixtures or
32 substances are of an aggregate weight of one-eighth ounce or more; or

33 8. a stimulant and said stimulant weighs five grams or more; or

34 9. lysergic acid diethylamide and said lysergic acid diethylamide
35 weighs five milligrams or more; or

36 10. a hallucinogen and said hallucinogen weighs one hundred twenty-
37 five milligrams or more; or

38 11. a hallucinogenic substance and said hallucinogenic substance
39 weighs five grams or more; or

40 12. one or more preparations, compounds, mixtures or substances
41 containing a narcotic drug and said preparations, compounds, mixtures or
42 substances are of an aggregate weight of one-half ounce or more; or

43 13. phencyclidine and said phencyclidine weighs one thousand two
44 hundred fifty milligrams or more; OR

45 14. ANABOLIC STEROIDS AND SAID ANABOLIC STEROIDS WEIGH MORE THAN TWEN-
46 TY-FIVE THOUSAND MILLIGRAMS OR MORE THAN SIXTY-TWO THOUSAND FIVE HUNDRED
47 PILLS.

48 Criminal possession of a controlled substance in the third degree is a
49 class B felony.

50 S 4. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law.