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I N S E N A T E

April 27, 2012

Introduced by Sen. O'MARA -- 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 the possession and sale of methamphetamine

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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
24 intent to sell it [and] OR said preparations, compounds, mixtures or
25 substances are of an aggregate weight of one-eighth ounce or more; or
26 S 4. Subdivision 2 of section 220.21 of the penal law, as amended by
27 chapter 75 of the laws of 1995, is amended and a new subdivision 3 is
28 added to read as follows:

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

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

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

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

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

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

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

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

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