

6716--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 17, 2013

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Introduced by M. of A. CAMARA, SILVER, LENTOL, RODRIGUEZ, WEPRIN, WRIGHT, PEOPLES-STOKES, GOTTFRIED, JAFFEE, O'DONNELL, DenDEKKER, GLICK, HEASTIE, HEVESI, DINOWITZ, GALEF, KELLNER, LAVINE, AUBRY, STEVENSON, ROBERTS, GIBSON, PERRY, BRAUNSTEIN, BOYLAND, ROSENTHAL, FARRELL, ORTIZ, MOYA, JACOBS, ABINANTI, BENEDETTO, BRENNAN, CLARK, COOK, CRESPO, LIFTON, LUPARDO, MILLER, MILLMAN, PRETLOW, SCARBOROUGH, SCHIMEL, TITONE, TITUS, SEPULVEDA -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to criminal possession of marihuana in the fifth degree

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

1     Section 1. Section 221.10 of the penal law, as amended by chapter 265  
2     of the laws of 1979 and subdivision 2 as amended by chapter 75 of the  
3     laws of 1995, is amended to read as follows:  
4     S 221.10 Criminal possession of marihuana in the fifth degree.  
5     A person is guilty of criminal possession of marihuana in the fifth  
6     degree when he OR SHE knowingly and unlawfully possesses:  
7     1. marihuana in a public place, as defined in section 240.00 of this  
8     chapter, and such marihuana is burning [or open to public view]; or  
9     2. ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
10    CONTAINING MARIHUANA AND THE PREPARATIONS, COMPOUNDS, MIXTURES OR  
11    SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF MORE THAN FIFTEEN GRAMS AND  
12    SUCH POSSESSION IS IN A PUBLIC PLACE, AS DEFINED IN SECTION 240.00 OF  
13    THIS CHAPTER, AND SUCH PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES  
14    ARE OPEN TO PUBLIC VIEW; OR  
15    3. one or more preparations, compounds, mixtures or substances  
16    containing marihuana and the preparations, compounds, mixtures or  
17    substances are of an aggregate weight of more than twenty-five grams.

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

LBD02871-02-3

1 Criminal possession of marihuana in the fifth degree is a class B  
2 misdemeanor.  
3 S 2. This act shall take effect immediately.