

7169

I N S E N A T E

May 1, 2014

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Introduced by Sens. BOYLE, GOLDEN -- 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 creating a presumption of intent to sell

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

1 Section 1. The penal law is amended by adding a new section 220.26 to  
2 read as follows:  
3 S 220.26 PRESUMPTION OF INTENT TO SELL.  
4 FOR THE PURPOSES OF A PROSECUTION OF A CHARGE UNDER SUBDIVISION ONE OF  
5 SECTION 220.16 OF THIS ARTICLE, THE POSSESSION OF FIFTY OR MORE INDIVID-  
6 UAL PACKAGES CONTAINING THE CONTROLLED SUBSTANCE DEFINED UNDER SUBPARA-  
7 GRAPH ELEVEN OF PARAGRAPH (C) OF SCHEDULE I OF SECTION THIRTY-THREE  
8 HUNDRED SIX OF THE PUBLIC HEALTH LAW AND/OR THE POSSESSION OF SUCH  
9 CONTROLLED SUBSTANCE IN AN AMOUNT HAVING AN AGGREGATE VALUE OF THREE  
10 HUNDRED DOLLARS OR MORE, IS PRESUMPTIVE EVIDENCE THAT SUCH PERSON  
11 POSSESSED SUCH CONTROLLED SUBSTANCE WITH INTENT TO SELL IT.  
12 S 2. This act shall take effect on the ninetieth day after it shall  
13 have become a law.

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

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