

8680

I N A S S E M B L Y

January 12, 2016

Introduced by M. of A. BARCLAY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the possession of synthetic marihuana in a prison

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 220.04 to
2 read as follows:
3 S 220.04 CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SIXTH
4 DEGREE.
5 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN
6 THE SIXTH DEGREE WHEN HE OR SHE POSSESSES ANY AMOUNT OF A TETRAHYDROCAN-
7 NABINOL, AS SUCH TERM IS DEFINED IN PARAGRAPH TWENTY-ONE OF SUBDIVISION
8 (D) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC
9 HEALTH LAW, WHILE SUCH PERSON IS EMPLOYED AT, VISITING, OR INCARCERATED
10 IN, ANY STATE OR LOCAL CORRECTIONAL FACILITY.
11 CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE IS A
12 CLASS E FELONY.
13 S 2. The penal law is amended by adding a new section 60.14 to read as
14 follows:
15 S 60.14 AUTHORIZED DISPOSITION; CRIMINAL POSSESSION OF A CONTROLLED
16 SUBSTANCE IN THE SIXTH DEGREE.
17 WHEN A COURT FINDS THAT A DEFENDANT IS GUILTY OF CRIMINAL POSSESSION
18 OF A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE AS DEFINED IN SECTION
19 220.04 OF THIS CHAPTER WHILE SUCH PERSON IS INCARCERATED IN A STATE OR
20 LOCAL CORRECTIONAL FACILITY, THE COURT MUST IMPOSE A MINIMUM SENTENCE OF
21 AT LEAST ONE YEAR TO RUN CONSECUTIVELY WITH THE DEFENDANT'S CURRENT
22 SENTENCE.
23 S 3. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.

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

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