S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 5, 2016

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

AN ACT to amend the penal law, in relation to presumption of intent to sell

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

Section 1. The penal law is amended by adding a new section 220.26 to read as follows:

S 220.26 PRESUMPTION OF INTENT TO SELL.

FOR THE PURPOSES OF A PROSECUTION OF A CHARGE UNDER SUBDIVISION ONE OF SECTION 220.16 OF THIS ARTICLE, THE POSSESSION OF FORTY OR MORE INDIVIDUAL PACKAGES CONTAINING ONE OR MORE PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES OF THE CONTROLLED SUBSTANCE DEFINED UNDER PARAGRAPH ELEVEN OF SUBDIVISION (C) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW AND SAID PREPARATIONS, COMPOUNDS, MIXTURES OR SUBSTANCES ARE OF AN AGGREGATE WEIGHT OF 4.0 GRAMS OR MORE, IS PRESUMPTIVE EVIDENCE THAT SUCH PERSON POSSESSED SUCH CONTROLLED SUBSTANCE WITH INTENT TO SELL IT.

S 2. This act shall take effect on the ninetieth day after 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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