

3191

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 22, 2015

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Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. PERRY --  
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to a presumption of criminal  
possession of a controlled substance

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

1     Section 1. Subdivision 2 of section 220.25 of the penal law, as  
2 amended by chapter 341 of the laws of 1985, is amended to read as  
3 follows:  
4     2. The presence of a narcotic drug, narcotic preparation, marihuana or  
5 phencyclidine in open view in a room, other than a public place, under  
6 circumstances evincing an intent to unlawfully mix, compound, package or  
7 otherwise prepare for sale such controlled substance is presumptive  
8 evidence of knowing possession thereof by each and every person PRESENT  
9 IN SUCH ROOM in close proximity to such controlled substance at the time  
10 such controlled substance was found; except that such presumption does  
11 not apply to any such persons if: (a) one of them, having obtained such  
12 controlled substance and not being under duress, is authorized to  
13 possess it and such controlled substance is in the same container as  
14 when he received possession thereof, or (b) one of them has such  
15 controlled substance upon his person.  
16     S 2. This act shall take effect immediately.

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

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