STATE OF NEW YORK

3264

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

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:

Section 1. The penal law is amended by adding a new section 220.04 to read as follows:

§ 220.04 Criminal possession of a controlled substance in the sixth degree.

A person is guilty of criminal possession of a controlled substance in the sixth degree when he or she possesses any amount of a tetrahydrocannabinol, as such term is defined in paragraph twenty-one of subdivision (d) of schedule I of section thirty-three hundred six of the public health law, while such person is employed at, visiting, or incarcerated in, any state or local correctional facility.

Criminal possession of a controlled substance in the sixth degree is a class E felony.

§ 2. The penal law is amended by adding a new section 60.14 to read as follows:

§ 60.14 Authorized disposition; Criminal possession of a controlled substance in the sixth degree.

When a court finds that a defendant is guilty of criminal possession of a controlled substance in the sixth degree as defined in section 220.04 of this chapter while such person is incarcerated in a state or local correctional facility, the court must impose a minimum sentence of at least one year to run consecutively with the defendant's current sentence.

§ 3. This act shall take effect on the one hundred eightieth 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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