

# STATE OF NEW YORK

622

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

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

AN ACT to amend the penal law, in relation to criminal possession of  
marihuana in the fifth degree

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

- 1 Section 1. Section 221.10 of the penal law, as amended by chapter 265  
2 of the laws of 1979 and subdivision 2 as amended by chapter 75 of the  
3 laws of 1995, is amended to read as follows:  
4 § 221.10 Criminal possession of marihuana in the fifth degree.  
5 A person is guilty of criminal possession of marihuana in the fifth  
6 degree when he or she knowingly and unlawfully possesses:  
7 1. marihuana in a public place, as defined in section 240.00 of this  
8 [~~chapter~~] part, and such marihuana is burning [~~or open to public view~~];  
9 or  
10 2. one or more preparations, compounds, mixtures or substances  
11 containing marihuana and the preparations, compounds, mixtures or  
12 substances are of an aggregate weight of more than fifteen grams and  
13 such possession is in a public place, as defined in section 240.00 of  
14 this part, and such preparations, compounds, mixtures or substances are  
15 open to public view; or  
16 3. one or more preparations, compounds, mixtures or substances  
17 containing marihuana and the preparations, compounds, mixtures or  
18 substances are of an aggregate weight of more than twenty-five grams.  
19 Criminal possession of marihuana in the fifth degree is a class B  
20 misdemeanor.  
21 § 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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