

STATE OF NEW YORK

6600

2017-2018 Regular Sessions

IN ASSEMBLY

March 9, 2017

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

AN ACT to amend the penal law, in relation to unlawful possession of marihuana

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

1 Section 1. Section 221.05 of the penal law, as added by chapter 360 of
2 the laws of 1977, is amended to read as follows:

3 § 221.05 Unlawful possession of marihuana.

4 A person is guilty of unlawful possession of marihuana when he know-
5 ingly and unlawfully possesses marihuana.

6 Unlawful possession of marihuana is a violation [~~punishable only by a~~
7 ~~fine of not more than one hundred dollars. However, where~~] and shall be
8 sentenced in accordance with the following:

9 1. For a first violation, the court shall order payment of a fine of
10 not more than one hundred dollars. Where a defendant is under the age of
11 eighteen, the court shall order payment of a fine of not more than one
12 hundred dollars or an appropriate amount of community service not to
13 exceed twenty hours.

14 2. Where the defendant has previously been convicted of an offense
15 defined in this article or article 220 of this chapter, committed within
16 the three years immediately preceding such violation, [~~it shall be~~
17 ~~punishable (a) only by a fine of not more than two hundred dollars, if~~
18 ~~the defendant was previously convicted of one such offense committed~~
19 ~~during such period, and (b) by a fine of not more than two hundred fifty~~
20 ~~dollars or a term of imprisonment not in excess of fifteen days or both,~~
21 ~~if the defendant was previously convicted of two such offenses committed~~
22 ~~during such period] the court shall order payment of a fine of not more
23 than two hundred dollars. Where a defendant is under the age of eigh-
24 teen, the court shall order payment of a fine of not more than two~~

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

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1 hundred dollars or an appropriate amount of community service not to
2 exceed forty hours.

3 3. Where the defendant has previously been convicted of two offenses
4 defined in this article or article two hundred twenty of this chapter,
5 committed within the three years immediately preceding such violation,
6 the court shall order payment of a fine of not more than two hundred
7 fifty dollars or a term of imprisonment not in excess of fifteen days.

8 § 2. This act shall take effect immediately.