STATE OF NEW YORK

2173

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

AN ACT to amend the penal law, in relation to standardize penalties associated with marihuana possession

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

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

A person is guilty of unlawful possession of marihuana when he **or she** knowingly and unlawfully possesses marihuana.

§ 2. Section 221.10 of the penal law, as amended by chapter 265 of the laws of 1979 and subdivision 2 as amended by chapter 75 of the laws of 1995, is amended to read as follows:

§ 221.10 Criminal possession of marihuana in the fifth degree.

A person is guilty of criminal possession of marihuana in the fifth degree when he **or she** knowingly and unlawfully possesses[~~:~~

~~**1. marihuana in a public place, as defined in section 240.00 of this chapter, and such marihuana is burning or open to public view; or**~~

~~**2.**~~] one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams.

Criminal possession of marihuana in the fifth degree is a class B misdemeanor.

§ 3. This act shall take effect immediately.

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

LBD05622-01-9