STATE OF NEW YORK

5096

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

Introduced by M. of A. RAIA, ASHBY, CROUCH, FRIEND, PALMESANO, GIGLIO, BLANKENBUSH, McDONOUGH, MORINELLO, FINCH, MIKULIN, SMITH, KOLB -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating a presumption of intent to sell

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 220.26 to read as follows:

§ 220.26 Presumption of intent to sell.

For the purposes of a prosecution of a charge under subdivision one of section 220.16 of this article, the possession of thirty or more individual packages containing the controlled substance defined under paragraph eleven of subdivision (c) of schedule I of section thirty-three hundred six of the public health law and/or the possession of such controlled substance in an amount having an aggregate value of three hundred dollars or more, is presumptive evidence that such person possessed such controlled substance with intent to sell it.

§ 2. This act shall take effect on the ninetieth 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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