

# STATE OF NEW YORK

5189

2019-2020 Regular Sessions

## IN ASSEMBLY

February 7, 2019

Introduced by M. of A. BARCLAY, MORINELLO, REILLY, MANKTELOW -- 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:

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

3 § 220.04 Criminal possession of a controlled substance in the sixth  
4 degree.

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

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

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

15 § 60.14 Authorized disposition; Criminal possession of a controlled  
16 substance in the sixth degree.

17 When a court finds that a defendant is guilty of criminal possession  
18 of a controlled substance in the sixth degree as defined in section  
19 220.04 of this chapter while such person is incarcerated in a state or  
20 local correctional facility, the court must impose a minimum sentence of  
21 at least one year to run consecutively with the defendant's current  
22 sentence.

23 § 3. This act shall take effect on the one hundred eightieth day after  
24 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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