STATE OF NEW YORK

3935

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

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 amended by chapter 131 of the laws of 2019, is amended to read as follows:

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

§ 2. Section 221.10 of the penal law, as amended by chapter 131 of the laws of 2019, is amended to read as follows:

§ 221.10 Unlawful possession of marihuana in the first degree.

A person is guilty of unlawful possession of marihuana in the first degree when he **or she** knowingly and unlawfully possesses 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 one ounce.

Unlawful possession of marihuana in the first degree is a violation punishable only by a fine of not more than two hundred dollars.

§ 3. 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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