STATE OF NEW YORK

4990

2023-2024 Regular Sessions

IN SENATE

February 21, 2023

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

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

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

§ 3. This act shall take effect on the one hundred eightieth 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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