STATE OF NEW YORK

697

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. ORTT -- 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 criminal sale and possession of substances containing heroin

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

Section 1. Subdivision 13 of section 220.16 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 14 is added to read as follows:

13. phencyclidine and said phencyclidine weighs one thousand two hundred fifty milligrams or more[~~.~~]**; or**

14. one or more preparations, compounds, mixtures or substances containing heroin and said preparations, compounds, mixtures or substances are of an aggregate weight of 1.5 grams or more, or such preparations, compounds, mixtures or substances are packaged in fifty or more containers, packets or "decks".

§ 2. Subdivision 7 of section 220.18 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 8 is added to read as follows:

7. methadone and said methadone weighs two thousand eight hundred eighty milligrams or more[~~.~~]**; or**

8. one or more preparations, compounds, mixtures or substances containing heroin and said preparations, compounds, mixtures or substances are of an aggregate weight of twelve grams or more, or such preparations, compounds, mixtures or substances are packaged in four hundred or more containers, packets or "decks".

§ 3. Subdivision 2 of section 220.21 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 3 is added to read as follows:

2. methadone and said methadone weighs five thousand seven hundred sixty milligrams or more[~~.~~]**; or**

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

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3. one or more preparations, compounds, mixtures or substances containing heroin and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-four grams or more, or such preparations, compounds, mixtures or substances are packaged in eight hundred or more containers, packets or "decks".

§ 4. Subdivision 7 of section 220.41 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 8 is added to read as follows:

7. methadone and the methadone weighs three hundred sixty milligrams or more[.]**; or**

8. one or more preparations, compounds, mixtures or substances containing heroin and the preparations, compounds, mixtures or substances are of an aggregate weight of 1.5 grams or more, or such preparations, compounds, mixtures or substances are packaged in fifty or more containers, packets or "decks".

§ 5. Subdivision 2 of section 220.43 of the penal law, as amended by chapter 75 of the laws of 1995, is amended and a new subdivision 3 is added to read as follows:

2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more[.]**; or**

3. one or more preparations, compounds, mixtures or substances containing heroin and the preparations, compounds, mixtures or substances are of an aggregate weight of six grams or more, or such preparations, mixtures or substances are packaged in two hundred or more containers, packets or "decks".

§ 6. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.