STATE OF NEW YORK

3152

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. PALUMBO, MATTERA -- 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 possession and sale of stimulants weighing fifteen grams or more

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

Section 1. Section 220.21 of the penal law, as amended by chapter 75 of the laws of 1995, the opening paragraph and subdivision 1 as amended by chapter 738 of the laws of 2004, is amended to read as follows:

§ 220.21 Criminal possession of a controlled substance in the first degree.

A person is guilty of criminal possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of eight ounces or more; or

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

3. a stimulant and said stimulant weighs fifteen grams or more.

Criminal possession of a controlled substance in the first degree is a class A-I felony.

§ 2. Section 220.43 of the penal law, as amended by chapter 785 of the laws of 1975, subdivisions 1 and 2 as amended by chapter 75 of the laws of 1995, is amended to read as follows:

§ 220.43 Criminal sale of a controlled substance in the first degree.

A person is guilty of criminal sale of a controlled substance in the first degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or

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

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

3. a stimulant and the stimulant weighs fifteen grams or more.

Criminal sale of a controlled substance in the first degree is a class A-I felony.

§ 3. This act shall take effect immediately.