

# STATE OF NEW YORK

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7505

2023-2024 Regular Sessions

## IN SENATE

June 1, 2023

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Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to making technical corrections regarding the unlawful possession and sale of cannabis

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

- 1 Section 1. Subparagraph (ii) of paragraph (b) of subdivision 2 of  
2 section 440.46-a of the criminal procedure law, as added by chapter 92  
3 of the laws of 2021, is amended to read as follows:  
4 (ii) If the petition meets the criteria in subparagraph [~~i~~] (ii) of  
5 paragraph (a) of this subdivision, the court after affording the parties  
6 an opportunity to be heard and present evidence, may substitute, unless  
7 it is not in the interests of justice to do so, a conviction for an  
8 appropriate lesser offense under article two hundred twenty-two of the  
9 penal law.  
10 § 2. This act shall take effect immediately, and shall be deemed to  
11 have been in full force and effect on and after March 31, 2021.

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

LBD11702-01-3