

STATE OF NEW YORK

1481

2025-2026 Regular Sessions

IN SENATE

January 10, 2025

Introduced by Sen. O'MARA -- 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 penalties for the crimes of criminal possession of methamphetamine manufacturing material and unlawful manufacture of methamphetamine

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

1 Section 1. Section 220.70 of the penal law, as added by chapter 394 of
2 the laws of 2005, is amended to read as follows:

3 § 220.70 Criminal possession of methamphetamine manufacturing material
4 in the second degree.

5 A person is guilty of criminal possession of methamphetamine manufac-
6 turing material in the second degree when [~~he or she~~] such person
7 possesses a precursor, a chemical reagent or a solvent with the intent
8 to use or knowing another intends to use such precursor, chemical
9 reagent, or solvent to unlawfully produce, prepare or manufacture meth-
10 amphetamine.

11 Criminal possession of methamphetamine manufacturing material in the
12 second degree is a class [~~A misdemeanor~~] E felony.

13 § 2. Section 220.71 of the penal law, as added by chapter 394 of the
14 laws of 2005, is amended to read as follows:

15 § 220.71 Criminal possession of methamphetamine manufacturing material
16 in the first degree.

17 A person is guilty of criminal possession of methamphetamine manufac-
18 turing material in the first degree when [~~he or she~~] such person commits
19 the offense of criminal possession of methamphetamine manufacturing
20 material in the second degree, as defined in section 220.70 of this
21 article, and has previously been convicted within the preceding five
22 years of criminal possession of methamphetamine manufacturing material
23 in the second degree, as defined in section 220.70 of this article, or a
24 violation of this section.

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

LBD03322-01-5

1 Criminal possession of methamphetamine manufacturing material in the
2 first degree is a class [~~F~~] **D** felony.

3 § 3. Section 220.73 of the penal law, as added by chapter 394 of the
4 laws of 2005, is amended to read as follows:

5 § 220.73 Unlawful manufacture of methamphetamine in the third degree.

6 A person is guilty of unlawful manufacture of methamphetamine in the
7 third degree when [~~he or she~~] such person possesses at the same time and
8 location, with intent to use, or knowing that another intends to use
9 each such product to unlawfully manufacture, prepare or produce meth-
10 amphetamine:

11 1. Two or more items of laboratory equipment and two or more precur-
12 sors, chemical reagents or solvents in any combination; or

13 2. One item of laboratory equipment and three or more precursors,
14 chemical reagents or solvents in any combination; or

15 3. A precursor:

16 (a) mixed together with a chemical reagent or solvent; or

17 (b) with two or more chemical reagents and/or solvents mixed together.

18 Unlawful manufacture of methamphetamine in the third degree is a class
19 [~~D~~] **C** felony.

20 § 4. Section 220.74 of the penal law, as added by chapter 394 of the
21 laws of 2005, is amended to read as follows:

22 § 220.74 Unlawful manufacture of methamphetamine in the second degree.

23 A person is guilty of unlawful manufacture of methamphetamine in the
24 second degree when [~~he or she~~] such person:

25 1. Commits the offense of unlawful manufacture of methamphetamine in
26 the third degree as defined in section 220.73 of this article in the
27 presence of another person under the age of sixteen, provided, however,
28 that the actor is at least five years older than such other person under
29 the age of sixteen; or

30 2. Commits the crime of unlawful manufacture of methamphetamine in the
31 third degree as defined in section 220.73 of this article and has previ-
32 ously been convicted within the preceding five years of the offense of
33 criminal possession of precursors of methamphetamine as defined in
34 section 220.72 of this article, criminal possession of methamphetamine
35 manufacturing material in the first degree as defined in section 220.71
36 of this article, unlawful disposal of methamphetamine laboratory materi-
37 al as defined in section 220.76 of this article, unlawful manufacture of
38 methamphetamine in the third degree as defined in section 220.73 of this
39 article, unlawful manufacture of methamphetamine in the second degree as
40 defined in this section, or unlawful manufacture of methamphetamine in
41 the first degree as defined in section 220.75 of this article.

42 Unlawful manufacture of methamphetamine in the second degree is a
43 class [~~E~~] **B** felony.

44 § 5. Section 220.75 of the penal law, as added by chapter 394 of the
45 laws of 2005, is amended to read as follows:

46 § 220.75 Unlawful manufacture of methamphetamine in the first degree.

47 A person is guilty of unlawful manufacture of methamphetamine in the
48 first degree when such person commits the crime of unlawful manufacture
49 of methamphetamine in the second degree, as defined in subdivision one
50 of section 220.74 of this article, after having previously been
51 convicted within the preceding five years of unlawful manufacture of
52 methamphetamine in the third degree, as defined in section 220.73,
53 unlawful manufacture of methamphetamine in the second degree, as defined
54 in section 220.74 of this article, or unlawful manufacture of methamphe-
55 tamine in the first degree, as defined in this section.

1 Unlawful [~~manufacturer~~] manufacture of methamphetamine in the first
2 degree is a class [~~B~~] A-I felony.

3 § 6. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.