

PROGRAM BILL # 37

GOVERNOR'S PROGRAM BILL 2012

MEMORANDUM IN SUPPORT

AN ACT to amend the penal law, in
relation to criminal possession of
marihuana in the fifth degree.

Purpose:

The purpose of this bill is to keep New York safe by bringing fairness and consistency in the penalties administered to New Yorkers who possess small amounts of marihuana.

Summary of Provisions:

Section one of the bill would amend Penal Law § 221.10, subd. 1.

Section two of the bill would make such amendment effective 90 days after the bill becomes law.

Existing Law:

Currently, possession of marihuana in a public place where such marihuana is open to public view, is punishable under Penal Law § 221.10 as a class B misdemeanor.

Statement in Support:

This bill ensures that personal possession of marihuana remains an offense, but that the penalties are evenly administered. Public possession of very small amounts of marihuana will be punished the same as private possession of the same amount. However, the law with respect to individuals who smoke or burn marihuana in public will remain the same; such offenders will still be subject to class B misdemeanor penalties.

Legislative History:

New proposal.

Budget Implications:

This bill has no fiscal impact on the State.

Effective Date:

This bill would take effect 90 days after it becomes law.