



2018 New York State YMCA

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Liberty 3

Bill #: AL-16

1 **Sponsors:** Brady Stark, Jackson LaSarso, Kellen Gannon, and Emily Lucy

2
3 **An Act To**

4 Decriminalize drug use and constructively institute solution-based policy to the public
5 health crisis

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

8
9 **Purpose**

10 To institute evidence-based policy in order to solve the most prevalent public health
11 crisis facing New York State.

12
13 **Summary of Provisions**

14 **Section 1: Definitions**

15 **Controlled Substance:** Shall consist of any substance by whatever name or chemical
16 designation proscribed in §3306 of Public Health Law.

17 **Eligible Defendant:** Any individual in possession of a personal use quantity of controlled
18 substance

19 **Personal Use:** A quantity of controlled substance not to exceed the quantities described
20 in and including §220.09 possessed for the purposes of recreational usage.

21 **Panel:** Shall consist of a psychiatrist, attorney and social worker, all of whom are
22 licensed and in good standing to practice in their respective field in the state of New
23 York. Panel membership shall be construed to be a form of jury duty and thus panel
24 members shall receive summons, be recognized as jurors in all purposes and receive
25 the same protections and benefits.

26 **Section 2: Provisions**

27 A. The penal law is amended by modifying §220.03 to read as follows:

28 ~~(A.) Criminal possession of a controlled substance in the seventh degree is~~
29 ~~a class A misdemeanor.~~

30 B. The penal law is amended by modifying §220.06 to read as follows:

31 ~~(A.) Criminal possession of a controlled substance in the fifth degree is a~~
32 ~~class D felony.~~

33 C. The penal law is amended by modifying §220.06 to read as follows:

34 ~~(A.) Criminal possession of a controlled substance in the fourth degree is~~
35 ~~a class C felony.~~

36 D. The penal law is amended by modifying §221.05 to read as follows:

37 (A.) A person is guilty of unlawful possession of a personal quantity of a
38 controlled substance when he knowingly and unlawfully possesses a
39 controlled substance for the purposes of personal use. Unlawful
40 possession of a controlled substance for the purposes of personal use is a
41 violation punishable only by (i) a fine of not more than ten thousand
42 dollars, and imprisonment of not more than ten years.

43 (B.) At any time after the arraignment of an eligible defendant, prior to
44 the entry of a plea of guilty or the commencement of trial, the court at
45 the request of the eligible defendant shall move the eligible defendant to a
46 judicial diversion program as proscribed in §216.06

47 E. The criminal procedure law is amended to add §216.06 as follows:



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48 (A.) A committee consisting of a panel shall be established by the judge or
49 the magistrate who presides on a case in which a charge described in
50 §221.05 is levied against the defendant. Such committee shall exist under
51 the supervision of the court. The committee's panel shall make a
52 determination, pending the approval of the court, to be punishable to
53 include any combination, including none, of the following: (i) mandatory
54 enrollment and compliance with a registered substance abuse treatment
55 center (ii) community service not in excess of two-hundred (200) hours
56 (iii) periodic court appearances, which may include periodic urinalysis, (iv)
57 deferred term of incarceration not to exceed one (1) year, pending
58 periodic urinalysis indicating a refrain from consumption controlled
59 substances. The committee may also require as terms of release that the
60 eligible defendant comply with the terms §216.05.5.

61 F. The state finance law is amended to modify §52 as follows:

62 (A.) One (1) percent of the current fiscal year's budget for state operations
63 for the Department Of Corrections And Community Supervision will be directed to the
64 state operations of the Department of Mental Hygiene, Office of Alcoholism And
65 Substance Abuse Services.

66

Justification

67 This bill will help New York state reduce its needless spending and alleviate the burden
68 that drug crimes place on the state. According to the reports by New York State in 2006
69 more than 400,000 people reported that they needed treatment for drug addiction or
70 dependence but did not get it. This bill would also focus on rehabilitation for those
71 addicted by collaborating with the counties and organizations such as OASAS.
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Fiscal Implications

74 As a result of reduced incarceration rates, we expect a reduction of \$2,500,000,000
75 (Two And A Half Billion) annually in spending towards inmates. In addition to the
76 \$2,500,000,000 (Two And A Half Billion) saved by the state, we will be directing
77 approximately 250,000,000 (Two Hundred And Fifty Million) from the budget of the
78 Department of Corrections to the Office of Alcoholism and Substance Abuse Services in
79 order to handle the increase caseload.
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Effective Date

82 This bill will go into effect on January 1 2020
83