Legislation Details (With Text)

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Title: Resolution calling upon the New York State Legislature to amend the Penal Law to create a Penal Law Section which provides that a third conviction for violating Penal Law Section 220.03 constitute a Class D felony.

Sponsors: Martin J. Golden, Una Clarke, Martin Malave-Dilan, Lloyd Henry, Howard L. Lasher, Jerome X. O'Donovan, Philip Reed, Victor L. Robles, Angel Rodriguez, Lawrence A. Warden, Madeline T. Provenzano, Stephen J. Fiala, James S. Oddo, Herbert E. Berman, Walter L. McCaffrey

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
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12/31/2001	*	City Council	Filed (End of Session)	

Res. No. 1064

Resolution calling upon the New York State Legislature to amend the Penal Law to create a Penal Law Section which provides that a third conviction for violating Penal Law Section 220.03 constitute a Class D felony.

By Council Member Golden

Whereas, New York State Penal Law Section 220.03, Criminal Possession of a Controlled Substance in the seventh degree, provides that "A person is guilty of criminal possession of a controlled substance in the seventh degree when he knowingly and unlawfully possesses a controlled substance", and such offense is classified as a Class A misdemeanor, with a maximum period of incarceration of one year; and

Whereas, The proliferation of illegal narcotics contributes to the degradation of the quality of life in our City, encourages criminal activity, overwhelms the judicial and prosecutorial systems and threatens the future viability of this City; and

Whereas, A vast number of those convicted of criminal possession of a controlled substance in the seventh degree have previously been convicted of this crime and are repeat offenders, who have not been dissuaded from repeatedly violating Penal Law Section 220.03 by the misdemeanor penalty provided by this section; and

Whereas, More than a preponderance of those who plead guilty to Penal Law Section 220.03 are entering into a plea bargain to resolve a felony criminal possession of a controlled substance charge; and

Whereas, The maximum one year penalty imposed under New York State Penal Law Section 220.03 is not a significant deterrent for habitual offenders; and

Whereas, The New York State Legislature has deemed it appropriate in other areas of the criminal law, such as Driving While Intoxicated cases, to make multiple offenses of Driving While Intoxicated laws a felony; and

Whereas, Classifying a third conviction for criminal possession of a controlled substance in the seventh degree as a Class D felony will constitute a deterrent for people who commit the crime of criminal possession of a controlled substance and will improve the quality of life on the streets of this City and ease the burden on the criminal justice system by removing repeat offenders from the system; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Penal Law to include a Penal Law section that will make a third conviction of Penal Law Section 220.03 a Class "D" felony.

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