



# Decriminalization and Expungement in NY: An Overview of A0840 / S06579

On July 29, 2019, Gov. Andrew Cuomo signed A08420 / S06579 into law. The measure, sponsored by Assembly Majority Leader Peoples-Stokes and Sen. Jamaal Bailey, further reduced cannabis possession penalties and automatically expunges many misdemeanor cannabis convictions.

## **Decriminalization:**

- Cannabis in “public view” is no longer a misdemeanor offense. For years, the “public view” exception was abused by law enforcement, resulting in tens of thousands of arrests and all of the collateral consequences that come with an arrest.
- The penalty for possessing about an ounce of cannabis (possession in the second degree) was reduced from a \$100 fine to a \$50 fine and the amount of cannabis that modest penalty applies to was increased from 25 grams to an ounce (about 28.5 grams).
- The penalty for possessing cannabis in the first degree (possessing amounts over an ounce) was reduced from a misdemeanor to no more than a \$200 fine.

## **Expungement:**

- Cannabis possession arrests and convictions for amounts decriminalized under this measure will be automatically expunged. Automatic expungement applies to convictions prior to decriminalization.

In addition, the measure expands the Clean Indoor Air Act’s definition of smoking to include cannabis. This means the penalties and prohibitions for cigarette smoking in prohibited locations (and for employers and business owners allowing cigarette smoking) also apply to cannabis smoking.