

Division of Criminal Justice Services

Criminal Justice Research Report



David A. Paterson
Governor

Denise E. O'Donnell
Deputy Secretary for Public Safety/
DCJS Commissioner

Drug Law Reform Series

Report No. 1

Issued February 2010

New York State Felony Drug Arrest, Indictment and Commitment Trends 1973-2008

This report is the first in a series related to statutory changes in New York's drug laws enacted in April of 2009. The new laws give judges more sentencing options for nonviolent defendants who are addicted to drugs or have a substance abuse dependency, including expanded opportunities for treatment alternatives to incarceration. *Felony Drug Arrest, Indictment and Commitment Trends 1973-2008* presents information on the criminal justice processing of felony drug cases, beginning from the time of implementation of the Rockefeller Drug Laws in 1973 and ending in 2008, the year before enactment of the 2009 Drug Law Reform. Felony drug case processing is presented to establish a baseline for future reports assessing the impact of the 2009 drug law changes. This report and future reports are available at www.criminaljustice.state.ny.us.

Table of Contents

Introduction	3
Trends in Felony Drug Arrests, Indictments and Commitments	4
Drug Offenders in Prison in New York State, 1973 – 2008	5
1999-2008 Trends in Felony Drug Arrests, Indictments and Commitments	7
Drug Felony Class Levels: Arrest, Indictments and Commitments in 2008	9
Map of Felony Drug Arrests, 2008	11
Map of Felony Drug Indictments, 2008	12
Map of Felony Drug Commitments to DOCS, 2008	13
Appendix A: 2008 Drug Arrests, Indictments and Commitments by County	14
Appendix B: Total Felony Drug Arrests by County (1999-2008)	16
Appendix C: Felony Drug Indictments/SCIs by Prosecutor Office (1999-2008)	18
Appendix D: Total Felony Drug Commitments by County (1999-2008)	20
Appendix E: 2008 Drug Arrests by County and Class of Top Arrest Charge	22
Appendix F: 2008 Felony Drug Indictments/SCIs by Prosecutor Office and Top Indictment Class	24
Appendix G: 2008 First Felony Drug Indictments/SCIs by Prosecutor Office and Top Indictment Class	26
Appendix H: 2008 Second Felony Drug Indictments/SCIs by Prosecutor Office and Top Indictment Class	28
Appendix I: Penal Law Definition of B Drug Felonies	30

Introduction

New York's Rockefeller Drug Laws, enacted in 1973, mandated long prison sentences for many drug offenders. After several amendments to the original laws, in April 2009 the Legislature instituted significant changes. Mandatory prison sentences for some drug offenses were eliminated, and minimum sentence lengths were reduced for others. In October 2009, Article 216 of the Penal Law became effective, expanding judicial discretion to offer drug court alternatives to certain addicted non-violent offenders.

The 2009 reform of New York's drug laws included a requirement to study the impact of these changes (see Section 837 of the Executive Law). The Division of Criminal Justice Services (DCJS) is coordinating this effort and working with other state agencies, including the Office of Court Administration (OCA), the Office of Alcoholism and Substance Abuse Services (OASAS), the Department of Correctional Services (DOCS), the Division of Parole (DOP), and the Division of Probation and Correctional Alternatives (DPCA). DCJS is also working with New York City agencies, district attorneys' offices and diversion programs to obtain additional data not available at the State level.

One of the first steps in understanding the changes brought about by the new laws is to quantify trends in felony drug arrests, indictments and commitments to prison prior to the 2009 reform. This report begins with an historical perspective of the statewide criminal justice processing of drug offenses, beginning in 1973. More detailed data are presented for the past 10 years.

This report has been prepared primarily as a reference document and will serve as a baseline for understanding the impact of the new laws within each county. There are numerous appendices that provide detailed information at the county level. A 10-year history of felony drug arrests, indictments and commitments is presented. For 2008, county-specific detail is provided on felony drug cases processed by felony class.

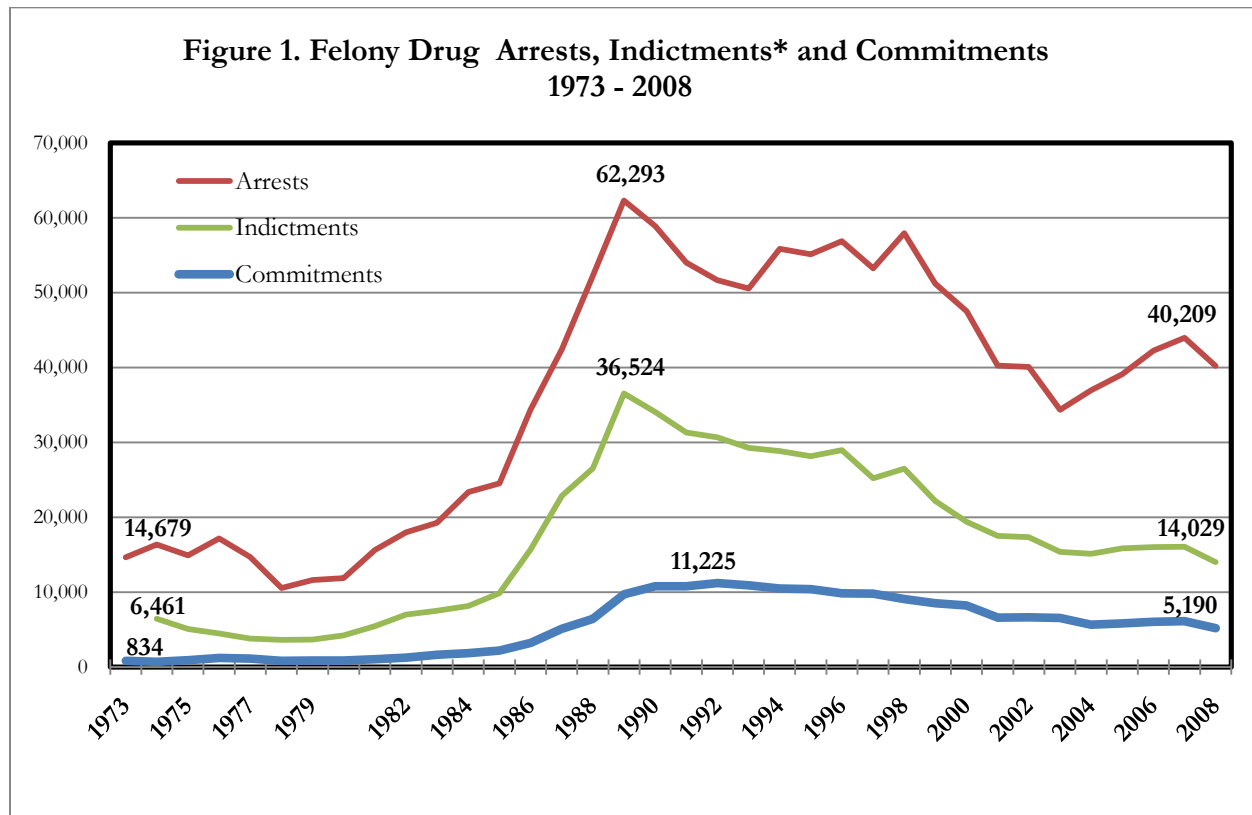
In 2010, DCJS will issue periodic reports on changes associated with the new laws, including information on diversions from prison into treatment, changes in plea practices, changes in sentencing, and treatment participation. Longer term evaluation efforts will also focus on local and statewide arrest and crime trends, the analyses of drug court and treatment outcomes, and criminal recidivism.

Trends in Felony Drug Arrests, Indictments¹ and Commitments

The number of felony drug arrests, indictments and commitments to State prison all increased dramatically from 1973 through the late 1980's (see Figure 1). Arrests and indictments peaked in 1989; commitments peaked in 1992. There were:

- 14,679 felony drug arrests in 1973; and 62,293 in 1989;
- 6,461 felony drug indictments in 1973; and 36,524 in 1989;
- 834 felony drug commitments to prison in 1973; 11,225 in 1992.

While arrests, indictments, and commitments all declined beginning in the 1990s the numbers remained at much higher levels than were recorded in earlier years. The 40,209 felony drug arrests in 2008 were nearly triple the number in 1973 (14,679). Even though felony drug commitments reached a 20-year low in 2008 (5,190), that number is still more than six times the number committed in 1973 (834).



Source: DCJS Felony Processing file, Computerized Criminal History file, DOCS Admission file and Crime and Justice Report

*Note: Indictments only available since 1974.

¹ The term indictments includes *indictments*, which are written accusations by a grand jury, as well as *superior court informations (SCI's)*, which are written accusations by a district attorney. Both types of accusations are filed with a superior court (see CPL 200.10 and 200.15).

Drug Offenders in Prison in New York State, 1973-2008

The increase in arrests, indictments and commitment of drug offenders fueled substantial growth in New York's prison population. Figure 2 shows the number of individuals in New York's prison population on December 31 of each year from 1973 to 2008, and highlights those who were under custody for a felony drug offense. The number of inmates under custody increased considerably during the past 35 years.

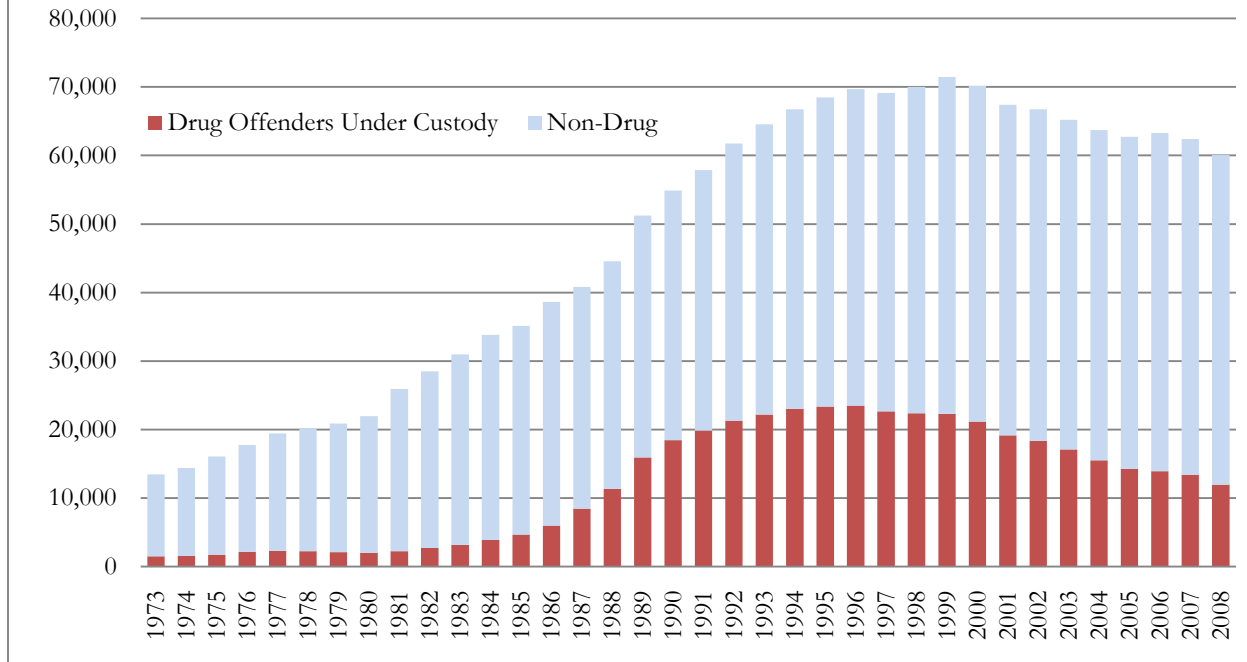
- There were 60,081 offenders under custody in 2008 compared to 13,437 in 1973;
- The total inmate population peaked in 1999 at 71,472.

As the total prison population grew, so did the percentage of the population who were drug offenders:

- Drug offenders made up 11% of the prison population in 1973, and peaked at 35% of the population in 1994.
- In 1999, when the total prison population reached its highest point, 31% of the inmates were incarcerated for drug offenses.
- After 1999, both the total prison population and the percentage of the population who were drug offenders began to decrease.
- By 2008, the total prison population was at a 17-year low and the percentage of drug offenders had dropped to 20%.

Even with the decreases since 1999, the total prison population in 2008 was still 4½ times the size of the under custody population in 1973, and the number of felony drug offenders under custody was still eight times higher than in 1973.

Figure 2. Drug Offenders and Total Offenders Under Custody in NYSDOCS, 1973-2008



	1973		1983		1994		1999		2008	
	#	%	#	%	#	%	#	%	#	%
Drug	1,488	11.1%	3,187	10.3%	23,082	34.6%	22,266	31.2%	11,936	19.9%
Other	11,949	88.9%	27,764	89.7%	43,668	65.4%	49,206	68.8%	48,145	80.1%
Total	13,437	100.0%	30,951	100.0%	66,750	100.0%	71,472	100.0%	60,081	100.0%

Source: NYSDOCS

1999-2008 Trends in Felony Drug Arrests, Indictments and Commitments

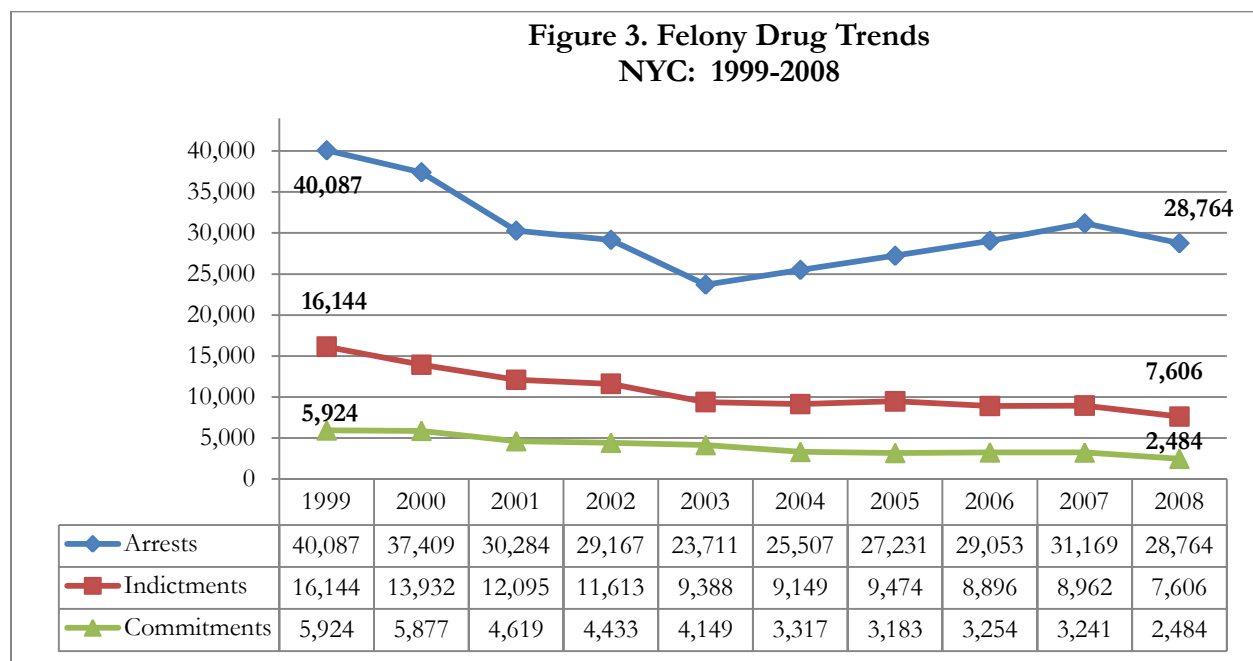
Figures 3 and 4 show trends in felony drug arrests, indictments and convictions from 1999 to 2008. Arrest and charging practices, plea bargaining and sentencing practices, and the availability of diversion programs, which vary by jurisdiction, all affect the trends presented. These factors will be explored in future reports on the drug law reforms; here, the trends are presented to establish historical baselines.

Because counties across the New York State are diverse, separate trends are shown for three different groups of counties:

- **New York City:** the five counties (boroughs) of New York City
- **IMPACT Counties:** 17 Operation IMPACT counties outside of NYC that account for more than 80% of the non-NYC index crime, and that reported an average of 100 or more felony drug indictments annually
- **Other Counties:** the remaining 40 counties, that reported an average of fewer than 100 felony drug indictments annually

NYC Felony Drug Trends

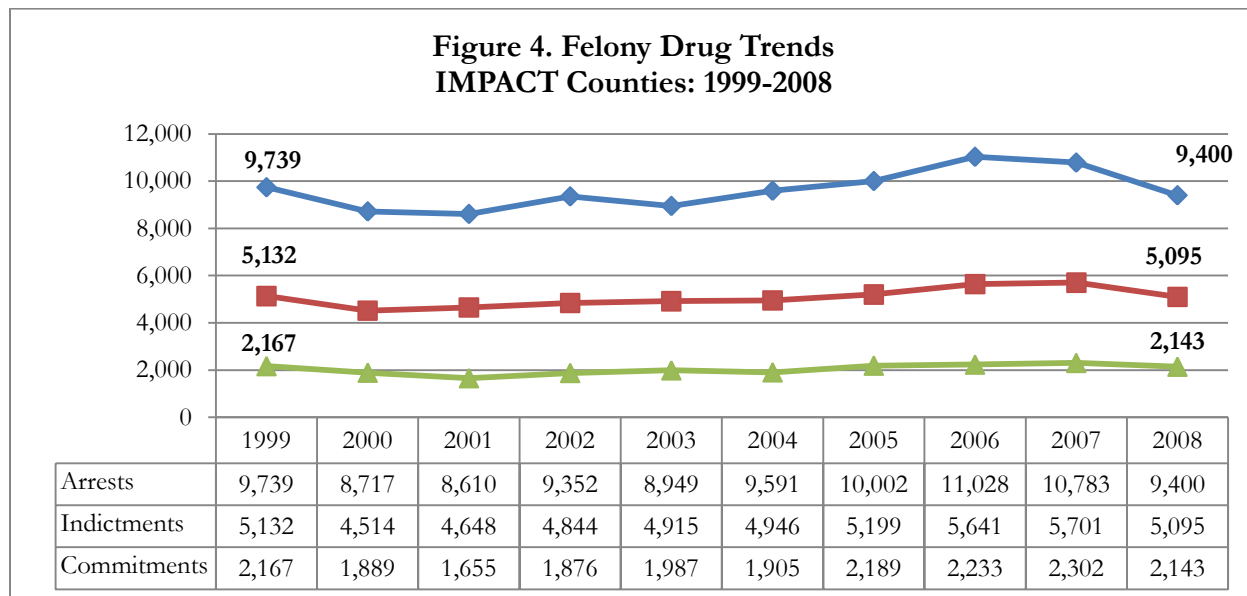
Figure 3 shows the felony drug trends in New York City from 1999-2008. Felony drug arrests decreased from 1999 to 2003, and then increased each subsequent year before declining again in 2008. Between 1999 and 2008, felony drug arrests in NYC went down 28%, indictments decreased 53% and prison commitments dropped 58%.



Source: DCJS Felony Processing file, Computerized Criminal History file, DOCS Admission file

Operation IMPACT County Felony Drug Trends

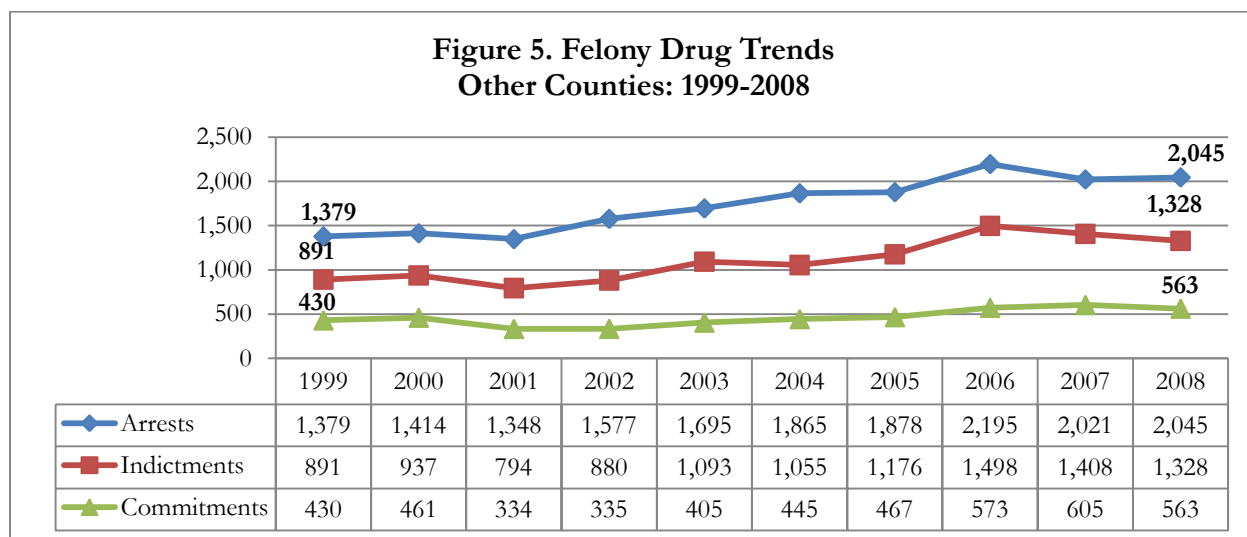
Compared to NYC, felony drug arrests, indictments and commitments in the IMPACT counties were more stable between 1999 and 2008. Overall, felony drug arrests in 2008 were down 3.5% since 1999, and indictments and prison commitments were both down about 1%.



Source: DCJS Felony Processing file, Computerized Criminal History file, DOCS Admission file

Felony Drug Trends in Other Counties

As a group, the other counties generally recorded increases in felony drug arrests, indictments and commitments between 1999 and 2008. Between 1999 and 2008, felony drug arrests in these counties increased 48%, indictments went up 49% and prison commitments increased 31%.



Source: DCJS Felony Processing file, Computerized Criminal History file, DOCS Admission file

Drug Felony Class Levels: Arrests, Indictments and Commitments in 2008

Felony drug offenses are classified according to seriousness of the offense, with A-I felonies the most serious, and E felony offenses the least serious felony class. The majority of drug arrests, indictments and commitments are for class B felony sale and possession offenses. Statewide data indicates that during 2008, class B felony drug offenses accounted for:²

- 71% of the felony drug arrests;
- 67% of the felony drug indictments; and
- 37% of the felony drug commitments.

Table 1. 2008 Felony Drug Arrests by Class of Top Arrest Charge

Felony Arrests	NYC		IMPACT Counties		Other Counties		Statewide	
	#	%	#	%	#	%	#	%
Class A-I	796	2.8%	202	2.1%	21	1.0%	1,019	2.5%
Class A-II	745	2.6%	249	2.6%	29	1.4%	1,023	2.5%
Class B	21,223	73.8%	6,047	64.3%	1,125	55.0%	28,395	70.6%
Class C	1,617	5.6%	765	8.1%	309	15.1%	2,691	6.7%
Class D	3,545	12.3%	1,858	19.8%	448	21.9%	5,851	14.6%
Class E	838	2.9%	279	3.0%	113	5.5%	1,230	3.1%
Total	28,764	100.0%	9,400	100.0%	2,045	100.0%	40,209	100.0%

Source: Computerized Criminal History file

Table 1 shows that arrests for Class A and B drug felonies were more prevalent in NYC and IMPACT counties. Specifically, class A and class B felony drug arrests represented:

- 79% of the felony drug arrests in NYC;
- 69% of the felony drug arrests in Operation IMPACT counties; and
- 57% in the remaining counties.

² Detailed descriptions of the Class B drug felony offenses are found in Penal Law sections 220.16 (Criminal Possession of a Controlled Substance in the Third Degree) and 220.39 (Criminal Sale of a Controlled Substance in the Third Degree), which is attached as Appendix J.

Table 2. 2008 Felony Drug Indictments by Class of Top Indictment Charge

Felony Indictments	NYC		IMPACT Counties		Other Counties		Statewide	
	#	%	#	%	#	%	#	%
Class A-I	287	3.8%	113	2.2%	23	1.7%	423	3.0%
Class A-II	164	2.2%	136	2.7%	19	1.4%	319	2.3%
Class B	5,512	72.5%	3,051	59.9%	783	59.0%	9,346	66.6%
Class C	548	7.2%	727	14.3%	161	12.1%	1,436	10.2%
Class D	958	12.6%	877	17.2%	259	19.5%	2,094	14.9%
Class E	137	1.8%	191	3.7%	83	6.3%	411	2.9%
Total	7,606	100.0%	5,095	100.0%	1,328	100.0%	14,029	100.0%

Source: DCJS Felony Processing file

Table 2 shows drug indictments by felony class. Similar to the felony drug arrest data by jurisdiction, a greater percentage of drug indictments in NYC were for the more serious class A (6%) and class B (72%) felonies, as compared to the IMPACT counties (5% and 60% respectively) and other counties (3% and 59% respectively).

Table 3. 2008 Felony Drug Commitments by Class of Top Commitment Charge

Felony Commitments	NYC		IMPACT Counties		Other Counties		Statewide	
	#	%	#	%	#	%	#	%
Class A-I	10	0.4%	12	0.6%	1	0.2%	23	0.4%
Class A-II	137	5.5%	103	4.8%	13	2.3%	253	4.9%
Class B	916	36.9%	802	37.4%	223	39.6%	1,941	37.4%
Class C	645	26.0%	625	29.2%	163	29.0%	1,433	27.6%
Class D	673	27.1%	511	23.8%	139	24.7%	1,323	25.5%
Class E	103	4.1%	90	4.2%	24	4.3%	217	4.2%
Total	2,484	100.0%	2,143	100.0%	563	100.0%	5,190	100.0%

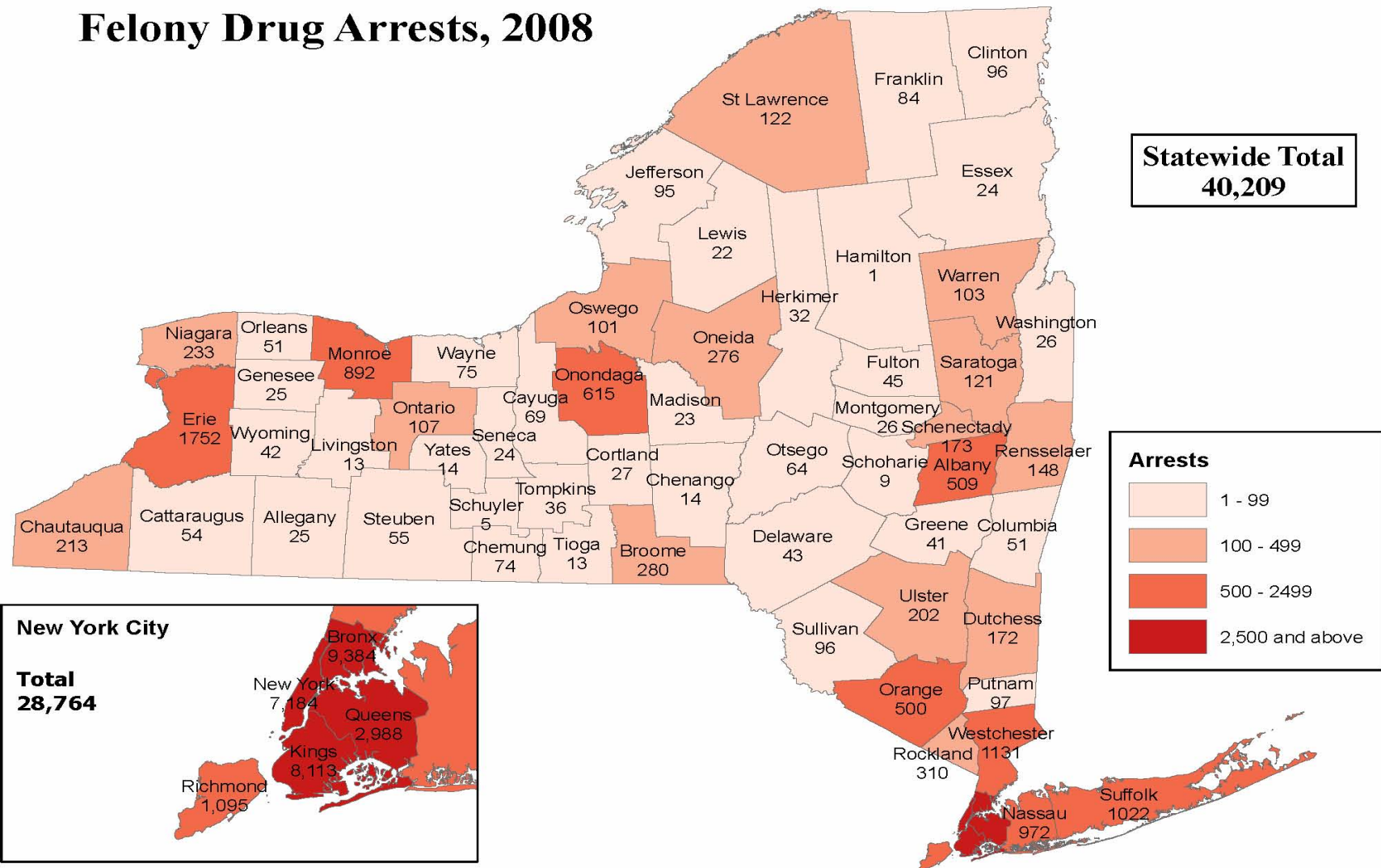
Source: DOCS Admissions file

Although felony drug arrests and indictments in NYC were more likely to involve the relatively more serious A and B offenses, these differences were not found for drug commitments to prison (Table 3). Overall, class A and class B felony drug offenses accounted for 43% of the commitments from NYC and IMPACT counties and 42% for the remaining counties.

Future Reports

The appendices that follow provide county-specific information on felony drug arrests, indictments and commitments. The appendices include 1999-2008 trends as well as detailed information on cases processed in 2008. This information will serve as the baseline for assessing the impact of the 2009 drug law reform. Case processing of felony drug offenses will be explored in greater detail and will include information on plea practices, use of diversion, and sentencing practices that impact case outcomes.

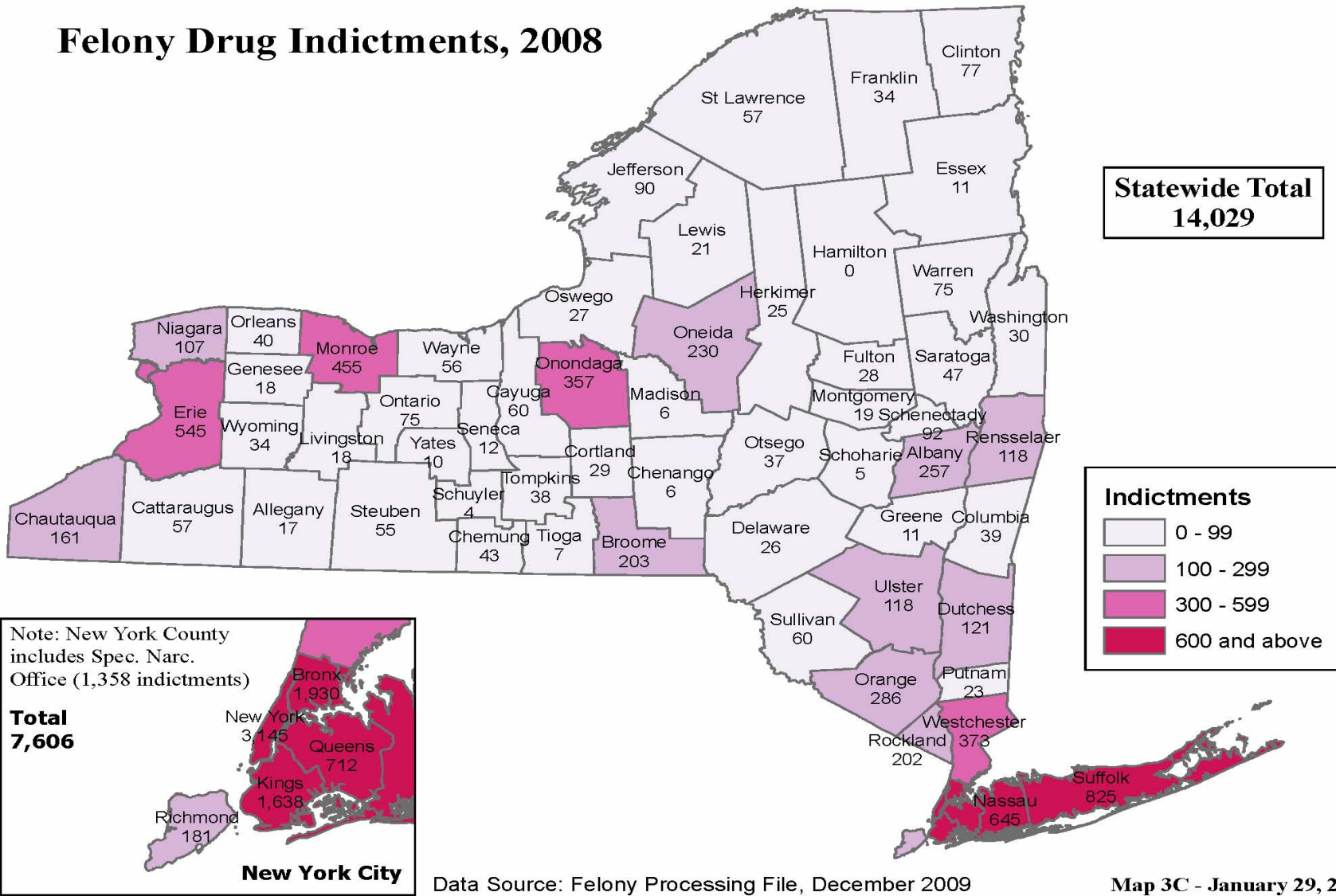
Felony Drug Arrests, 2008



Source: DCJS, Computerized Criminal History System, December 2009

Map 2B - January 29, 2010

Felony Drug Indictments, 2008



2008 Drug Offender Commitments to DOCS

Statewide Total
5,190

Commitments by County

- 1 - 25
- 26 - 99
- 100 - 199
- 200 and Above

Total
2,484

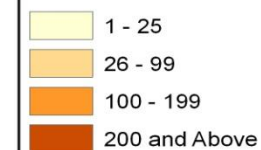
New York City

Data Source: DOCS Admissions Files

Map 1B - January 14, 2010

Statewide Total
5,190

Commitments by County



Total
2,484

New York City

Data Source: DOCS Admissions Files

Map 1B - January 14, 2010

APPENDIX A
2008 DRUG ARRESTS, INDICTMENTS AND COMMITMENTS BY COUNTY
(includes PL 220/221)

County	Arrests	Indictments	Commitments
Bronx	9,384	1,930	541
Kings	8,113	1,638	338
New York *	7,184	3,145	1,300
Queens	2,988	712	256
Richmond	1,095	181	49
NYC Counties Subtotal	28,764	7,606	2,484
Albany	509	257	166
Broome	280	203	88
Chautauqua	213	161	48
Dutchess	172	121	42
Erie	1,752	545	157
Monroe	892	455	156
Nassau	972	645	213
Niagara	233	107	37
Oneida	276	230	137
Onondaga	615	357	153
Orange	500	286	172
Rensselaer	148	118	31
Rockland	310	202	66
Schenectady	173	92	88
Suffolk	1,022	825	367
Ulster	202	118	87
Westchester	1,131	373	135
IMPACT Counties Subtotal	9,400	5,095	2,143
Allegany	25	17	4
Cattaraugus	54	57	12
Cayuga	69	60	34
Chemung	74	43	26
Chenango	14	6	3
Clinton	96	77	29
Columbia	51	39	16
Cortland	27	29	17
Delaware	43	26	8
Essex	24	11	6
Franklin	84	34	9
Fulton	45	28	16
Genesee	25	18	13

APPENDIX A (CON'T)
2008 DRUG ARRESTS, INDICTMENTS AND COMMITMENTS BY COUNTY
(includes PL 220/221)

County	Arrests	Indictments	Commitments
Greene	41	11	10
Hamilton	1	0	2
Herkimer	32	25	5
Jefferson	95	90	14
Lewis	22	21	6
Livingston	13	18	13
Madison	23	6	3
Montgomery	26	19	17
Ontario	107	75	30
Orleans	51	40	19
Oswego	101	27	9
Otsego	64	37	11
Putnam	97	23	11
St. Lawrence	122	57	2
Saratoga	121	47	24
Schoharie	9	5	2
Schuyler	5	4	1
Seneca	24	12	1
Steuben	55	55	44
Sullivan	96	60	36
Tioga	13	7	2
Tompkins	36	38	10
Warren	103	75	41
Washington	26	30	16
Wayne	75	56	22
Wyoming	42	34	12
Yates	14	10	7
Other Counties Subtotal	2,045	1,327	563
Statewide Total	40,209	14,028	5,190

Source: Computerized Criminal History system, DCJS Felony Processing File, DOCS Admission File

* New York County includes Special Narcotics Prosecutors (1,358 indictments).

Excludes 5 arrests outside New York State.

Excludes 69 indictments reported by the Statewide Medicaid Fraud and Organized Crime special prosecution offices.

APPENDIX B
TOTAL FELONY DRUG ARRESTS BY COUNTY (1999-2008)
(includes PL 220/221)

County	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Bronx	10,446	9,587	8,376	8,194	7,282	6,993	7,588	8,323	9,661	9,384
Kings	9,272	9,132	7,569	6,171	4,433	5,545	7,858	8,641	9,249	8,113
New York	14,877	13,418	10,841	11,543	9,290	9,432	7,751	7,346	7,589	7,184
Queens	3,710	3,730	2,506	2,462	2,158	2,931	3,181	3,573	3,523	2,988
Richmond	1,782	1,542	992	797	548	606	853	1,170	1,147	1,095
NYC Counties Subtotal	40,087	37,409	30,284	29,167	23,711	25,507	27,231	29,053	31,169	28,764
Albany	611	518	658	696	789	765	777	870	713	509
Broome	339	393	349	411	337	355	343	396	334	280
Chautauqua	127	106	99	150	205	218	240	224	202	213
Dutchess	236	258	218	235	236	232	263	231	166	172
Erie	1,540	1,292	1,395	1,523	1,251	1,240	1,286	1,586	1,943	1,752
Monroe	1,458	1,344	1,069	1,131	905	855	781	868	854	892
Nassau	923	859	1,000	952	878	908	992	951	1,006	972
Niagara	227	164	177	221	169	201	219	325	266	233
Oneida	232	186	214	199	180	264	246	249	290	276
Onondaga	626	577	597	604	479	636	629	716	673	615
Orange	501	497	473	527	499	578	637	684	565	500
Rensselaer	173	162	163	167	186	226	226	193	192	148
Rockland	203	193	198	214	320	295	328	364	355	310
Schenectady	242	253	252	263	261	243	241	353	261	173
Suffolk	1,240	1,015	768	982	1,016	1,192	1,360	1,424	1,433	1,022
Ulster	203	130	183	184	193	167	199	230	244	202
Westchester	858	770	797	893	1,045	1,216	1,235	1,364	1,286	1,131
IMPACT Counties Subtotal	9,739	8,717	8,610	9,352	8,949	9,591	10,002	11,028	10,783	9,400
Allegany	19	29	12	18	23	31	21	47	49	25
Cattaraugus	34	38	27	21	20	50	59	76	38	54
Cayuga	59	42	58	60	68	121	78	62	66	69
Chemung	89	105	56	80	59	114	117	88	63	74
Chenango	8	12	10	8	21	19	15	13	17	14
Clinton	33	37	52	77	105	77	73	80	79	96
Columbia	44	59	48	49	34	31	41	71	41	51
Cortland	24	15	29	15	29	23	31	30	57	27
Delaware	13	34	14	28	14	26	23	22	25	43
Essex	18	18	8	20	29	49	23	60	26	24
Franklin	32	30	33	53	79	96	44	53	86	84

APPENDIX B (CON'T)
TOTAL FELONY DRUG ARRESTS BY COUNTY (1999-2008)
(includes PL 220/221)

County	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Fulton	47	22	7	39	20	22	65	37	40	45
Genesee	27	25	26	26	28	40	41	38	39	25
Greene	37	22	30	41	26	29	28	42	53	41
Hamilton	1	1	5	1	1	10	0	8	7	1
Herkimer	27	32	36	41	35	40	21	48	23	32
Jefferson	107	89	74	91	119	91	94	89	84	95
Lewis	1	1	5	6	3	12	9	28	30	22
Livingston	12	33	27	18	20	28	25	25	22	13
Madison	26	9	9	31	29	19	28	17	35	23
Montgomery	68	30	47	33	48	45	50	47	58	26
Ontario	60	55	55	82	60	45	48	111	58	107
Orleans	23	35	57	31	53	31	60	57	77	51
Oswego	47	53	60	50	53	46	42	71	63	101
Otsego	7	12	10	35	35	43	39	45	49	64
Putnam	75	51	38	40	64	55	77	55	76	97
St. Lawrence	63	60	85	130	74	109	89	125	146	122
Saratoga	45	68	72	91	107	98	82	126	89	121
Schoharie	7	23	14	14	13	8	25	22	11	9
Schuyler	3	2	3	9	4	13	10	12	8	5
Seneca	13	6	12	13	24	20	20	22	17	24
Steuben	72	48	48	25	48	65	152	96	99	55
Sullivan	68	130	108	94	125	112	140	141	115	96
Tioga	21	11	15	9	22	14	13	30	14	13
Tompkins	31	35	20	45	32	25	44	46	40	36
Warren	20	45	33	50	47	44	49	48	50	103
Washington	26	27	39	24	30	55	35	52	29	26
Wayne	52	58	43	38	63	79	45	116	93	75
Wyoming	19	7	21	26	24	19	15	36	41	42
Yates	1	5	2	15	7	11	7	3	8	14
Other Counties Subtotal	1,379	1,414	1,348	1,577	1,695	1,865	1,878	2,195	2,021	2,045
Statewide Total	51,205	47,540	40,242	40,096	34,355	36,963	39,111	42,276	43,973	40,209

Source: Computerized Criminal History file
Excludes arrests of missing or outside New York State.

APPENDIX C
FELONY DRUG INDICTMENTS/SCIs BY PROSECUTOR OFFICE (1999-2008)
(includes PL 220/221)

Prosecutor Office	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Bronx	4,746	3,607	3,209	3,253	2,520	2,401	2,647	2,268	2,504	1,930
Kings	2,288	2,528	2,240	1,899	1,571	1,551	1,810	1,877	1,894	1,638
New York	3,775	2,789	2,365	2,181	1,829	1,681	1,456	1,680	1,741	1,787
New York - SNP	3,518	3,176	2,833	3,042	2,353	2,273	2,211	1,758	1,645	1,358
Queens	1,497	1,655	1,314	1,100	969	1,013	1,114	1,034	955	712
Richmond	320	177	134	138	146	230	236	279	223	181
NYC Counties Subtotal	16,144	13,932	12,095	11,613	9,388	9,149	9,474	8,896	8,962	7,606
Albany	284	205	357	385	418	338	350	426	385	257
Broome	219	231	228	207	211	178	210	275	215	203
Chautauqua	138	73	79	106	135	137	134	165	132	161
Dutchess	127	138	100	115	107	105	126	122	94	121
Erie	467	332	500	458	373	315	362	549	617	545
Monroe	530	535	490	428	363	352	317	430	478	455
Nassau	692	741	794	754	837	708	889	731	752	645
Niagara	136	91	108	119	128	83	85	128	119	107
Oneida	210	153	172	173	148	217	211	189	255	230
Onondaga	307	214	246	246	255	347	378	415	383	357
Orange	287	246	256	288	256	344	322	245	350	286
Rensselaer	136	142	134	121	156	184	202	169	138	118
Rockland	137	174	111	149	208	192	222	233	233	202
Schenectady	158	139	179	175	163	123	122	253	180	92
Suffolk	698	621	492	679	682	764	836	878	936	825
Ulster	126	93	79	116	93	102	86	121	106	118
Westchester	480	386	323	325	382	457	347	312	328	373
IMPACT Counties Subtotal	5,132	4,514	4,648	4,844	4,915	4,946	5,199	5,641	5,701	5,095
Allegany	5	6	5	4	3	4	23	42	25	17
Cattaraugus	22	66	19	21	22	31	34	56	37	57
Cayuga	46	37	26	52	64	58	68	39	51	60
Chemung	78	65	37	33	25	87	58	69	46	43
Chenango	5	7	9	0	10	3	11	11	7	6
Clinton	26	23	28	36	54	32	36	49	54	77
Columbia	13	12	37	26	19	14	13	33	28	39
Cortland	11	9	6	4	9	13	21	27	37	29
Delaware	3	21	8	7	11	11	14	12	15	26
Essex	11	25	1	11	10	22	8	50	31	11
Franklin	15	14	10	15	23	61	34	43	61	34

APPENDIX C (CON'T)
FELONY DRUG INDICTMENTS/SCI's BY PROSECUTOR OFFICE (1999-2008)
(includes PL 220/221)

Prosecutor Office	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Fulton	38	21	5	34	18	13	26	45	26	28
Genesee	24	16	20	18	23	30	36	32	34	18
Greene	16	10	3	8	14	16	13	14	20	11
Hamilton	0	0	0	2	0	1	0	5	7	1
Herkimer	16	31	24	21	42	26	20	26	20	25
Jefferson	83	74	52	61	97	58	84	65	72	90
Lewis	6	0	4	3	2	14	11	31	33	21
Livingston	8	18	22	16	15	24	28	26	20	18
Madison	14	3	2	6	11	4	1	7	6	6
Montgomery	30	16	35	16	18	16	31	25	26	19
Ontario	50	39	33	70	54	26	43	78	68	75
Orleans	22	26	26	17	31	31	42	45	60	40
Oswego	26	23	36	30	47	20	26	35	28	27
Otsego	3	3	2	13	20	26	17	26	40	37
Putnam	39	32	15	16	15	19	18	10	23	23
St. Lawrence	54	41	70	59	64	38	29	69	61	57
Saratoga	36	37	49	57	74	58	48	61	59	47
Schoharie	4	2	8	8	5	4	5	15	2	5
Schuyler	1	2	3	6	8	12	8	9	11	4
Seneca	14	7	10	4	21	2	8	18	3	12
Steuben	38	43	25	19	33	57	107	90	84	55
Sullivan	33	89	59	67	68	63	100	95	86	60
Tioga	12	13	6	9	15	8	15	25	14	7
Tompkins	22	26	23	21	14	11	27	27	21	38
Warren	15	17	23	33	38	28	29	40	48	75
Washington	13	18	15	14	17	29	17	39	22	30
Wayne	34	37	25	17	44	58	47	73	82	56
Wyoming	5	5	11	12	32	17	15	34	35	34
Yates	0	3	2	14	3	10	5	2	5	10
Other Counties Subtotal	891	937	794	880	1,093	1,055	1,176	1,498	1,408	1,328
Statewide Total	22,167	19,383	17,537	17,337	15,396	15,150	15,849	16,035	16,071	14,029

Source: Indictment Statistical System 1999-2005, Felony Processing file 2006-2008

Excludes 581 indictments stemming from the statewide Medicaid fraud and Organized Crime special prosecution offices.

APPENDIX D
TOTAL FELONY DRUG COMMITMENTS BY COUNTY (1999 - 2008)

County	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Bronx	1,785	1,630	1,129	1,103	983	736	687	710	741	541
Kings	685	657	545	567	563	562	531	526	465	338
New York	2,793	2,946	2,350	2,256	2,221	1,628	1,568	1,587	1,598	1,300
Queens	548	557	552	457	340	335	334	345	355	256
Richmond	113	87	43	50	42	56	63	86	82	49
NYC Counties Subtotal	5,924	5,877	4,619	4,433	4,149	3,317	3,183	3,254	3,241	2,484
Albany	133	135	170	212	266	238	204	226	189	166
Broome	73	75	60	71	78	68	85	95	104	88
Chautauqua	40	27	21	33	40	38	60	63	38	48
Dutchess	44	66	35	50	45	39	63	59	53	42
Erie	144	79	99	113	135	104	109	129	161	157
Monroe	165	159	138	131	140	91	156	164	166	156
Nassau	272	217	222	240	263	192	224	250	222	213
Niagara	54	31	25	34	50	44	35	35	60	37
Oneida	100	88	80	83	66	84	115	77	130	137
Onondaga	75	72	66	84	87	140	162	141	159	153
Orange	186	154	133	160	150	160	180	150	150	172
Rensselaer	56	87	67	73	74	94	130	65	38	31
Rockland	99	67	66	61	77	71	76	101	89	66
Schenectady	128	102	117	144	132	103	87	134	94	88
Suffolk	336	278	167	226	229	268	343	386	426	367
Ulster	45	57	70	57	40	66	36	63	42	87
Westchester	217	195	119	104	115	105	124	95	181	135
IMPACT Counties Subtotal	2,167	1,889	1,655	1,876	1,987	1,905	2,189	2,233	2,302	2,143
Allegany	2	1	1	1	1	1	4	1	1	4
Cattaraugus	8	17	11	13	10	18	16	15	19	12
Cayuga	34	16	23	23	30	37	27	23	27	34
Chemung	24	61	25	13	15	12	16	28	22	26
Chenango	4	0	4	2	2	1	3	5	3	3
Clinton	6	7	11	6	4	20	10	18	14	29
Columbia	30	26	19	23	11	16	10	19	26	16
Cortland	8	9	2	2	8	9	5	18	14	17
Delaware	0	15	5	2	3	5	4	4	6	8
Essex	1	4	5	0	2	1	5	3	13	6
Franklin	2	4	3	3	5	6	7	14	14	9
Fulton	14	31	6	18	12	9	8	27	13	16
Genesee	13	9	9	9	12	10	17	12	8	13
Greene	3	11	10	2	10	11	16	8	10	10

APPENDIX D (CONT)
TOTAL FELONY DRUG COMMITMENTS BY COUNTY (1999 - 2008)

County	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Hamilton	0	1	1	0	0	0	1	1	2	2
Herkimer	4	8	4	1	5	7	13	6	6	5
Jefferson	15	16	12	11	22	17	23	27	21	14
Lewis	0	0	0	0	0	0	3	5	11	6
Livingston	8	4	8	5	3	6	10	12	7	13
Madison	3	3	0	0	3	5	0	2	3	3
Montgomery	19	13	13	15	13	12	10	9	14	17
Ontario	43	22	25	36	46	22	30	42	59	30
Orleans	13	5	10	6	2	7	7	19	13	19
Oswego	7	7	4	8	10	11	6	8	18	9
Otsego	7	1	2	1	20	14	17	6	24	11
Putnam	4	9	4	2	3	10	11	4	13	11
St. Lawrence	5	11	7	8	9	8	5	0	8	2
Saratoga	20	20	19	29	41	39	28	34	25	24
Schoharie	5	2	2	0	4	2	2	4	3	2
Schuyler	0	1	0	1	0	3	5	0	4	1
Seneca	3	5	1	1	2	2	3	2	3	1
Steuben	17	18	9	7	6	26	38	52	35	44
Sullivan	38	37	41	40	34	36	31	61	50	36
Tioga	4	3	0	4	4	2	13	4	9	2
Tompkins	13	18	9	2	12	4	8	18	21	10
Warren	9	13	9	19	11	17	14	22	28	41
Washington	3	5	5	2	6	7	7	10	9	16
Wayne	34	24	12	11	15	29	24	18	23	22
Wyoming	2	3	3	2	5	3	2	11	5	12
Yates	5	1	0	7	4	0	8	1	1	7
Other Counties Subtotal	430	461	334	335	405	445	467	573	605	563
Statewide Total	8,521	8,227	6,608	6,644	6,541	5,667	5,839	6,060	6,148	5,190

Source: DOCS

APPENDIX E
2008 DRUG ARRESTS BY COUNTY AND CLASS OF TOP ARREST CHARGE
(includes PL 220/221)

	Felony							Misdemeanor			Total Drug Arrests
County	A-1	A-2	B	C	D	E	Total	A	B	Total	
Bronx	246	210	7,229	617	790	292	9,384	12,131	12,902	25,033	34,417
Kings	97	191	6,383	388	850	204	8,113	11,482	12,786	24,268	32,381
New York	324	230	4,786	434	1,199	211	7,184	8,118	8,664	16,782	23,966
Queens	119	96	2,143	132	418	80	2,988	4,224	6,203	10,427	13,415
Richmond	10	18	682	46	288	51	1,095	2,008	1,457	3,465	4,560
NYC Counties Subtotal	796	745	21,223	1,617	3,545	838	28,764	37,963	42,012	79,975	108,739
Albany	20	14	339	21	90	25	509	725	130	855	1,364
Broome	2	2	235	5	20	16	280	276	30	306	586
Chautauqua	0	2	167	12	23	9	213	132	25	157	370
Dutchess	0	2	121	14	27	8	172	302	30	332	504
Erie	25	44	1,017	187	443	36	1,752	3,153	642	3,795	5,547
Monroe	23	19	742	24	50	34	892	929	300	1,229	2,121
Nassau	27	33	523	99	263	27	972	1,045	681	1,726	2,698
Niagara	7	5	118	15	81	7	233	435	82	517	750
Oneida	4	8	202	11	42	9	276	343	33	376	652
Onondaga	14	12	489	44	42	14	615	802	105	907	1,522
Orange	8	5	276	51	145	15	500	839	148	987	1,487
Rensselaer	1	3	102	9	22	11	148	115	21	136	284
Rockland	5	16	190	15	71	13	310	266	71	337	647
Schenectady	7	2	122	12	23	7	173	136	11	147	320
Suffolk	26	46	628	138	158	26	1,022	2,341	1,411	3,752	4,774
Ulster	4	12	101	20	60	5	202	372	34	406	608
Westchester	29	24	675	88	298	17	1,131	1,562	752	2,314	3,445
IMPACT Counties Subtotal	202	249	6,047	765	1,858	279	9,400	13,773	4,506	18,279	27,679
Allegany	0	0	14	3	6	2	25	19	6	25	50
Cattaraugus	0	2	34	5	12	1	54	61	7	68	122
Cayuga	0	0	47	6	12	4	69	29	3	32	101
Chemung	2	0	44	9	18	1	74	84	11	95	169
Chenango	0	0	5	4	3	2	14	33	5	38	52
Clinton	1	0	57	13	18	7	96	58	7	65	161
Columbia	2	0	36	6	5	2	51	100	22	122	173
Cortland	0	0	18	3	5	1	27	19	7	26	53
Delaware	1	0	24	10	8	0	43	34	3	37	80
Essex	2	1	10	2	6	3	24	20	6	26	50
Franklin	0	0	15	28	33	8	84	47	10	57	141

APPENDIX E (CON'T)
2008 DRUG ARRESTS BY COUNTY AND CLASS OF TOP ARREST CHARGE
(includes PL 220/221)

	Felony							Misdemeanor			Total Drug Arrests
County	A-1	A-2	B	C	D	E	Total	A	B	Total	
Fulton	0	0	27	7	9	2	45	25	10	35	80
Genesee	0	0	19	1	4	1	25	67	8	75	100
Greene	0	2	18	13	6	2	41	110	8	118	159
Hamilton	0	0	1	0	0	0	1	2	2	4	5
Herkimer	1	1	7	9	14	0	32	32	2	34	66
Jefferson	0	0	67	16	12	0	95	95	6	101	196
Lewis	0	0	8	1	12	1	22	12	3	15	37
Livingston	0	1	9	1	1	1	13	35	5	40	53
Madison	0	0	4	5	11	3	23	39	7	46	69
Montgomery	1	0	16	1	4	4	26	43	3	46	72
Ontario	0	1	69	13	18	6	107	111	18	129	236
Orleans	0	3	27	3	17	1	51	38	2	40	91
Oswego	4	1	55	16	17	8	101	89	14	103	204
Otsego	0	0	34	9	19	2	64	39	10	49	113
Putnam	4	10	51	16	15	1	97	97	11	108	205
St. Lawrence	0	1	53	35	26	7	122	78	11	89	211
Saratoga	1	2	47	20	46	5	121	169	22	191	312
Schoharie	0	0	3	0	4	2	9	14	5	19	28
Schuyler	0	0	2	0	3	0	5	14	0	14	19
Seneca	0	1	7	7	6	3	24	20	0	20	44
Steuben	0	0	40	3	4	8	55	45	9	54	109
Sullivan	0	0	58	12	26	0	96	192	14	206	302
Tioga	0	0	1	3	8	1	13	15	3	18	31
Tompkins	0	0	27	1	5	3	36	58	6	64	100
Warren	2	1	57	16	19	8	103	124	12	136	239
Washington	0	0	16	4	1	5	26	37	1	38	64
Wayne	0	1	59	4	6	5	75	87	9	96	171
Wyoming	0	1	30	2	6	3	42	16	1	17	59
Yates	0	0	9	2	3	0	14	13	4	17	31
Other Counties Subtotal	21	29	1,125	309	448	113	2,045	2,220	293	2,513	4,558
Statewide Total	1,019	1,025	28,398	2,691	5,851	1,230	40,214	53,957	46,812	100,769	140,983

Source: Computerized Criminal History file
Excludes 5 arrests of outside New York State

APPENDIX F
2008 FELONY DRUG INDICTMENTS/SCI's BY PROSECUTOR
OFFICE AND TOP INDICTMENT CLASS
(includes PL 220/221)

DA Office	A-1	A-2	B	C	D	E	Total
Bronx	44	50	1595	104	131	6	1,930
Kings	29	35	1186	43	301	44	1,638
New York	60	31	1367	112	200	17	1,787
New York - SNP	124	31	975	99	121	8	1,358
Queens	26	10	309	163	148	56	712
Richmond	4	7	80	27	57	6	181
NYC Counties Subtotal	287	164	5,512	548	958	137	7,606
Albany	8	7	150	25	57	10	257
Broome	3	3	178	1	15	3	203
Chautauqua	0	0	51	10	96	4	161
Dutchess	0	0	49	25	44	3	121
Erie	13	16	294	88	109	25	545
Monroe	9	10	400	16	12	8	455
Nassau	22	9	270	193	111	40	645
Niagara	2	3	59	7	33	3	107
Oneida	2	7	191	6	19	5	230
Onondaga	8	10	218	52	62	7	357
Orange	5	5	196	32	29	19	286
Rensselaer	0	6	76	7	18	11	118
Rockland	6	8	140	23	18	7	202
Schenectady	0	7	44	7	30	4	92
Suffolk	30	34	542	118	86	15	825
Ulster	2	6	69	16	23	2	118
Westchester	3	5	124	101	115	25	373
IMPACT Counties Subtotal	113	136	3,051	727	877	191	5,095
Allegany	0	0	7	4	3	3	17
Cattaraugus	0	6	42	3	5	1	57
Cayuga	1	1	44	2	7	5	60
Chemung	2	0	30	3	7	1	43
Chenango	0	0	4	1	1	0	6
Clinton	0	0	52	7	10	8	77
Columbia	0	1	23	3	8	4	39
Cortland	0	0	21	3	3	2	29
Delaware	2	0	17	6	1	0	26
Essex	0	0	5	1	2	3	11
Franklin	0	0	16	10	6	2	34

APPENDIX F (CON'T)
2008 FELONY DRUG INDICTMENTS/SCI's BY PROSECUTOR
OFFICE AND TOP INDICTMENT CLASS
(includes PL 220/221)

DA Office	A-1	A-2	B	C	D	E	Total
Fulton	0	0	14	3	10	1	28
Genesee	0	0	16	1	0	1	18
Greene	0	0	5	3	3	0	11
Hamilton	0	0	1	0	0	0	0
Herkimer	2	1	13	3	6	0	25
Jefferson	0	2	68	8	10	2	90
Lewis	0	0	6	1	13	1	21
Livingston	0	0	9	2	4	3	18
Madison	0	0	0	1	5	0	6
Montgomery	2	0	4	1	11	1	19
Ontario	0	1	49	12	11	2	75
Orleans	0	2	19	3	13	3	40
Oswego	0	0	8	5	10	4	27
Otsego	0	0	31	3	3	0	37
Putnam	2	0	7	1	13	0	23
St. Lawrence	1	0	24	8	22	2	57
Saratoga	0	3	10	12	15	7	47
Schoharie	0	0	1	2	0	2	5
Schuyler	0	0	1	1	2	0	4
Seneca	0	1	6	3	1	1	12
Steuben	1	0	42	1	7	4	55
Sullivan	6	0	19	12	21	2	60
Tioga	0	0	3	2	2	0	7
Tompkins	0	0	30	3	3	2	38
Warren	4	1	38	13	12	7	75
Washington	0	0	20	3	2	5	30
Wayne	0	0	42	9	3	2	56
Wyoming	0	0	28	1	4	1	34
Yates	0	0	8	1	0	1	10
Other Counties Subtotal	23	19	783	161	259	83	1,327
Statewide Total	423	319	9,346	1,436	2,094	411	14,028

Source: DCJS Felony Processing file

Excludes 69 indictments stemming from the statewide Medicaid Fraud and Organized Crime special prosecution offices.

APPENDIX G
2008 FIRST FELONY DRUG INDICTMENTS/SCI_s BY PROSECUTOR OFFICE
AND TOP INDICTMENT CLASS
(includes PL 220/221)

DA Office	A-1	A-2	B	C	D	E	Total
Bronx	29	30	742	52	66	2	921
Kings	12	18	550	27	192	27	826
New York	37	22	576	57	107	12	811
New York - SNP	88	23	441	57	65	6	680
Queens	13	8	201	112	85	20	439
Richmond	2	5	36	17	38	4	102
NYC Counties Subtotal	181	106	2,546	322	553	71	3,779
Albany	3	4	59	11	30	9	116
Broome	2	0	82	1	8	3	96
Chautauqua	0	0	20	6	57	3	86
Dutchess	0	0	17	16	35	3	71
Erie	8	13	198	58	64	13	354
Monroe	2	7	240	13	9	8	279
Nassau	14	4	131	129	61	24	363
Niagara	2	1	42	6	24	1	76
Oneida	1	4	97	4	15	2	123
Onondaga	1	5	112	40	50	5	213
Orange	3	4	118	19	17	14	175
Rensselaer	0	2	30	3	11	8	54
Rockland	6	4	100	18	14	6	148
Schenectady	0	3	21	2	25	3	54
Suffolk	20	21	308	73	61	14	497
Ulster	2	6	33	12	6	2	61
Westchester	2	4	59	63	67	17	212
IMPACT Counties Subtotal	66	82	1,667	474	554	135	2,978
Allegany	0	0	7	4	1	3	15
Cattaraugus	0	3	30	2	5	1	41
Cayuga	1	0	27	2	7	5	42
Chemung	1	0	16	1	6	1	25
Chenango	0	0	3	1	1	0	5
Clinton	0	0	38	5	9	6	58
Columbia	0	1	11	2	6	3	23
Cortland	0	0	10	3	2	1	16
Delaware	0	0	13	4	0	0	17
Essex	0	0	4	1	2	2	9
Franklin	0	0	12	9	4	2	27

APPENDIX G (CON'T)
2008 FIRST FELONY DRUG INDICTMENTS/SCI_s BY PROSECUTOR OFFICE
AND TOP INDICTMENT CLASS
(includes PL 220/221)

DA Office	A-1	A-2	B	C	D	E	Total
Fulton	0	0	10	1	7	0	18
Genesee	0	0	9	0	0	0	9
Greene	0	0	4	2	3	0	9
Hamilton	0	0	1	0	0	0	0
Herkimer	1	0	12	1	6	0	20
Jefferson	0	2	45	6	7	2	62
Lewis	0	0	3	0	13	1	17
Livingston	0	0	7	2	4	3	16
Madison	0	0	0	1	5	0	6
Montgomery	1	0	2	1	7	1	12
Ontario	0	1	37	10	8	1	57
Orleans	0	2	13	2	12	3	32
Oswego	0	0	3	1	8	3	15
Otsego	0	0	28	2	1	0	31
Putnam	2	0	5	1	11	0	19
St. Lawrence	1	0	17	7	18	2	45
Saratoga	0	3	4	11	9	7	34
Schoharie	0	0	0	2	0	2	4
Schuyler	0	0	1	1	2	0	4
Seneca	0	1	3	3	1	1	9
Steuben	0	0	34	1	5	4	44
Sullivan	3	0	6	7	12	0	28
Tioga	0	0	2	2	2	0	6
Tompkins	0	0	19	3	2	2	26
Warren	3	0	27	10	11	6	57
Washington	0	0	12	1	1	5	19
Wayne	0	0	23	6	2	1	32
Wyoming	0	0	23	1	4	1	29
Yates	0	0	6	0	0	1	7
Other Counties Subtotal	13	13	527	119	204	70	945
Statewide Total	260	201	4,740	915	1,311	276	7,702

Source: DCJS Felony Processing file

Excludes 37 indictments stemming from the statewide Medicaid Fraud and Organized Crime special prosecution offices.

APPENDIX H
2008 SECOND FELONY DRUG INDICTMENTS/SCI_s BY PROSECUTOR OFFICE
AND TOP INDICTMENT CLASS
(includes PL 220/221)

DA Office	A-1	A-2	B	C	D	E	Total
Bronx	15	20	853	52	65	4	1,009
Kings	17	17	636	16	109	17	812
New York	23	9	791	55	93	5	976
New York - SNP	36	8	534	42	56	2	678
Queens	13	2	108	51	63	36	273
Richmond	2	2	44	10	19	2	79
NYC Counties Subtotal	106	58	2,966	226	405	66	3,827
Albany	5	3	91	14	27	1	141
Broome	1	3	96	0	7	0	107
Chautauqua	0	0	31	4	39	1	75
Dutchess	0	0	32	9	9	0	50
Erie	5	3	96	30	45	12	191
Monroe	7	3	160	3	3	0	176
Nassau	8	5	139	64	50	16	282
Niagara	0	2	17	1	9	2	31
Oneida	1	3	94	2	4	3	107
Onondaga	7	5	106	12	12	2	144
Orange	2	1	78	13	12	5	111
Rensselaer	0	4	46	4	7	3	64
Rockland	0	4	40	5	4	1	54
Schenectady	0	4	23	5	5	1	38
Suffolk	10	13	234	45	25	1	328
Ulster	0	0	36	4	17	0	57
Westchester	1	1	65	38	48	8	161
IMPACT Counties Subtotal	47	54	1,384	253	323	56	2,117
Allegany	0	0	0	0	2	0	2
Cattaraugus	0	3	12	1	0	0	16
Cayuga	0	1	17	0	0	0	18
Chemung	1	0	14	2	1	0	18
Chenango	0	0	1	0	0	0	1
Clinton	0	0	14	2	1	2	19
Columbia	0	0	12	1	2	1	16
Cortland	0	0	11	0	1	1	13
Delaware	2	0	4	2	1	0	9
Essex	0	0	1	0	0	1	2
Franklin	0	0	4	1	2	0	7

APPENDIX H (CON'T)
2008 SECOND FELONY DRUG INDICTMENTS/SCI_s BY PROSECUTOR OFFICE
AND TOP INDICTMENT CLASS
(includes PL 220/221)

DA Office	A-1	A-2	B	C	D	E	Total
Fulton	0	0	4	2	3	1	10
Genesee	0	0	7	1	0	1	9
Greene	0	0	1	1	0	0	2
Hamilton	0	0	0	0	0	0	0
Herkimer	1	1	1	2	0	0	5
Jefferson	0	0	23	2	3	0	28
Lewis	0	0	3	1	0	0	4
Livingston	0	0	2	0	0	0	2
Madison	0	0	0	0	0	0	0
Montgomery	1	0	2	0	4	0	7
Ontario	0	0	12	2	3	1	18
Orleans	0	0	6	1	1	0	8
Oswego	0	0	5	4	2	1	12
Otsego	0	0	3	1	2	0	6
Putnam	0	0	2	0	2	0	4
St. Lawrence	0	0	7	1	4	0	12
Saratoga	0	0	6	1	6	0	13
Schoharie	0	0	1	0	0	0	1
Schuyler	0	0	0	0	0	0	0
Seneca	0	0	3	0	0	0	3
Steuben	1	0	8	0	2	0	11
Sullivan	3	0	13	5	9	2	32
Tioga	0	0	1	0	0	0	1
Tompkins	0	0	11	0	1	0	12
Warren	1	1	11	3	1	1	18
Washington	0	0	8	2	1	0	11
Wayne	0	0	19	3	1	1	24
Wyoming	0	0	5	0	0	0	5
Yates	0	0	2	1	0	0	3
Other Counties Subtotal	10	6	256	42	55	13	382
Statewide Total	163	118	4,606	521	783	135	6,326

Source: DCJS Felony Processing file

Excludes 32 indictments stemming from the statewide Medicaid Fraud and Organized Crime special prosecution offices.

APPENDIX I – Penal Law Definition of B Drug Felonies

§ 220.16 Criminal possession of a controlled substance in the third degree.

A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses:

1. a narcotic drug with intent to sell it; or
2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or
3. a stimulant with intent to sell it and said stimulant weighs one gram or more; or
4. lysergic acid diethylamide with intent to sell it and said lysergic acid diethylamide weighs one milligram or more; or
5. a hallucinogen with intent to sell it and said hallucinogen weighs twenty-five milligrams or more; or
6. a hallucinogenic substance with intent to sell it and said hallucinogenic substance weighs one gram or more; or
7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers with intent to sell it and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or
8. a stimulant and said stimulant weighs five grams or more; or
9. lysergic acid diethylamide and said lysergic acid diethylamide weighs five milligrams or more; or
10. a hallucinogen and said hallucinogen weighs one hundred twenty-five milligrams or more; or
11. a hallucinogenic substance and said hallucinogenic substance weighs five grams or more; or
12. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
13. phencyclidine and said phencyclidine weighs one thousand two hundred fifty milligrams or more.

§ 220.39 Criminal sale of a controlled substance in the third degree.

A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells:

1. a narcotic drug; or
2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or
3. a stimulant and the stimulant weighs one gram or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs one milligram or more; or
5. a hallucinogen and the hallucinogen weighs twenty-five milligrams or more; or
6. a hallucinogenic substance and the hallucinogenic substance weighs one gram or more; or
7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or
8. phencyclidine and the phencyclidine weighs two hundred fifty milligrams or more; or
9. a narcotic preparation to a person less than twenty-one years old.