

# STATE OF NEW YORK

3127

2017-2018 Regular Sessions

## IN ASSEMBLY

January 26, 2017

Introduced by M. of A. McKEVITT, GRAF, KOLB, FRIEND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to lifting the fifty year cap applicable to persons convicted of three or more violent felonies

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

1 Section 1. Subparagraph (vi) of paragraph (e) of subdivision 1 of  
2 section 70.30 of the penal law, as amended by chapter 3 of the laws of  
3 1995, is amended to read as follows:

4 (vi) Notwithstanding subparagraphs (i) and (iv) of this paragraph,  
5 ~~[the]~~ there shall not be an aggregate maximum term of consecutive  
6 sentences, all of which are indeterminate or all of which are determi-  
7 nate sentences, imposed for the conviction of three or more violent  
8 felony offenses committed prior to the time the person was imprisoned  
9 under any of such sentences and one of which is a class B violent felony  
10 offense~~[-, shall, if it exceeds fifty years, be deemed to be fifty~~  
11 ~~years]~~;

12 § 2. Subparagraph (iii) of paragraph (c) of subdivision 1 of section  
13 70.30 of the penal law, as amended by chapter 199 of the laws of 1983,  
14 is amended to read as follows:

15 (iii) Notwithstanding subparagraphs (i) and (ii) of this paragraph,  
16 ~~[the]~~ there shall not be an aggregate maximum term of consecutive  
17 sentences imposed for the conviction of three or more violent felony  
18 offenses committed prior to the time the person was imprisoned under any  
19 of such sentences and one of which is a class B violent felony offense~~[-,~~  
20 ~~shall, if it exceeds fifty years, be deemed to be fifty years]~~;

21 § 3. This act shall take effect immediately, provided, however, that  
22 the amendments to paragraph (e) of subdivision 1 of section 70.30 of the  
23 penal law made by section one of this act shall be subject to the expi-  
24 ration and reversion of such paragraph pursuant to subdivision d of  
25 section 74 of chapter 3 of the laws of 1995, as amended, when upon such  
26 date the provisions of section two of this act shall take effect.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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