

STATE OF NEW YORK

5155

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. MONTESANO, McDONOUGH, COLTON, FRIEND -- Multi-Sponsored by -- M. of A. PALMESANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sentences of imprisonment for class A felony drug offenders

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

1 Section 1. Paragraph (b) of subdivision 2 of section 70.71 of the
2 penal law, as added by chapter 738 of the laws of 2004, is amended to
3 read as follows:

4 (b) Authorized sentence. The court shall impose a determinate term of
5 imprisonment which shall be imposed by the court in whole or half years
6 and which shall include as a part thereof a period of post-release
7 supervision in accordance with section 70.45 of this article. The terms
8 authorized for such determinate sentences are as follows:

9 (i) for a class A-I felony, the term shall be at least [~~eight~~] ten
10 years and shall not exceed [~~twenty~~] twenty-five years;

11 (ii) for a class A-II felony, the term shall be at least [~~three~~] five
12 years and shall not exceed [~~ten~~] fifteen years.

13 § 2. Paragraph (b) of subdivision 3 of section 70.71 of the penal law,
14 as added by chapter 738 of the laws of 2004, is amended to read as
15 follows:

16 (b) Authorized sentence. When the court has found pursuant to the
17 provisions of section 400.21 of the criminal procedure law that a
18 defendant is a second felony drug offender who stands convicted of a
19 class A felony as defined in article two hundred twenty or two hundred
20 twenty-one of this chapter, the court shall impose a determinate
21 sentence of imprisonment. Such determinate sentence shall include as a
22 part thereof a period of post-release supervision in accordance with
23 section 70.45 of this article. Such determinate sentence shall be
24 imposed by the court in whole or half years as follows:

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

LBD08616-01-1

1 (i) for a class A-I felony, the term shall be at least [~~twelve~~]
2 fifteen years and shall not exceed [~~twenty-four~~] thirty years;

3 (ii) for a class A-II felony, the term shall be at least [~~six~~] ten
4 years and shall not exceed [~~fourteen~~] twenty years.

5 § 3. Paragraph (b) of subdivision 4 of section 70.71 of the penal law,
6 as added by chapter 738 of the laws of 2004, is amended to read as
7 follows:

8 (b) Authorized sentence. When the court has found pursuant to the
9 provisions of section 400.21 of the criminal procedure law that a
10 defendant is a second felony drug offender whose prior felony conviction
11 was a violent felony, who stands convicted of a class A felony as
12 defined in article two hundred twenty or two hundred twenty-one of this
13 chapter, the court shall impose a determinate sentence of imprisonment.
14 Such determinate sentence shall include as a part thereof a period of
15 post-release supervision in accordance with section 70.45 of this arti-
16 cle. Such determinate sentence shall be imposed by the court in whole or
17 half years as follows:

18 (i) for a class A-I felony, the term shall be at least [~~fifteen~~] twen-
19 ty years and shall not exceed thirty years;

20 (ii) for a class A-II felony, the term shall be at least [~~eight~~] ten
21 years and shall not exceed [~~seventeen~~] twenty years.

22 § 4. This act shall take effect on the first of November next succeed-
23 ing the date on which it shall have become a law and shall apply to
24 sentences issued on or after such date.