

STATE OF NEW YORK

6638

2021-2022 Regular Sessions

IN SENATE

May 10, 2021

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to second felony drug offenders; and to repeal subdivision 4 of section 70.70 of the penal law relating thereto

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

- 1 Section 1. Paragraph (a) of subdivision 3 of section 70.70 of the
2 penal law, as amended by section 23 of part AAA of chapter 56 of the
3 laws of 2009, is amended to read as follows:
4 (a) Applicability. This subdivision shall apply to a second felony
5 drug offender [~~whose prior felony conviction was not a violent felony~~].
6 § 2. Subdivision 4 of section 70.70 of the penal law is REPEALED.
7 § 3. Paragraph (a) of subdivision 1 of section 216.00 of the criminal
8 procedure law, as added by section 4 of part AAA of chapter 56 of the
9 laws of 2009, is amended to read as follows:
10 (a) within the preceding ten years, excluding any time during which
11 the offender was incarcerated for any reason between the time of commis-
12 sion of the previous felony and the time of commission of the present
13 felony, has previously been convicted of[~~:(i) a violent felony offense~~
14 ~~as defined in section 70.02 of the penal law or (ii) any other offense~~
15 ~~for which a merit time allowance is not available pursuant to subpara-~~
16 ~~graph (ii) of paragraph (d) of subdivision one of section eight hundred~~
17 ~~three of the correction law, or (iii)] a class A felony offense defined~~
18 in article two hundred twenty of the penal law; or
19 § 4. This act shall take effect immediately.

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

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