S T A T E O F N E W Y O R K

6180

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. McKEVITT, McDONOUGH, KOLB, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. HAWLEY, WALKER -- 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:

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

(vi) Notwithstanding subparagraphs (i) and (iv) of this paragraph, [the] THERE SHALL NOT BE AN aggregate maximum term of consecutive sentences, all of which are indeterminate or all of which are determinate sentences, imposed for the conviction of three or more violent felony offenses committed prior to the time the person was imprisoned under any of such sentences and one of which is a class B violent felony offense[, shall, if it exceeds fifty years, be deemed to be fifty years];

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

(iii) Notwithstanding subparagraphs (i) and (ii) of this paragraph, [the] THERE SHALL NOT BE AN aggregate maximum term of consecutive sentences imposed for the conviction of three or more violent felony offenses committed prior to the time the person was imprisoned under any of such sentences and one of which is a class B violent felony offense[, shall, if it exceeds fifty years, be deemed to be fifty years];

S 3. This act shall take effect immediately, provided, however, that the amendments to paragraph (e) of subdivision 1 of section 70.30 of the penal law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended, when upon such 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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