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

850

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, KOLB, BURLING, BARCLAY -- Multi-Sponsored by -- M. of A. SAYWARD, TOWNSEND -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the penal law, in relation to permitting hard labor for violent felons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 171 of the correction law is amended by adding two new subdivisions 3 and 4 to read as follows:

3. IN ADDITION TO THE SENTENCE OF IMPRISONMENT AUTHORIZED PURSUANT TO THE PROVISIONS OF SECTION 70.02 OF THE PENAL LAW, THE COURT MAY SENTENCE ANY VIOLENT FELONY OFFENDER CONVICTED OF THE COMMISSION OF A VIOLENT FELONY OFFENSE DEFINED IN SECTION 70.02 OF THE PENAL LAW, TO A SPECIFIC ENHANCED PUNISHMENT OF HARD LABOR. PURSUANT TO SUCH A SENTENCE, PUNISHMENT OF HARD LABOR SHALL BE SUPERVISED AND PROVIDED FOR BY THE COMMISSIONER AND THE SUPERINTENDENTS AND OFFICIALS OF STATE CORRECTIONAL FACILITIES AND PENITENTIARIES IN SUCH A MANNER AS SHALL BE CONSISTENT WITH SECTION TWENTY-FOUR OF ARTICLE THREE OF THE CONSTITUTION.

4. THE STATE COMMISSION OF CORRECTION IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.

S 2. The penal law is amended by adding a new section 70.21 to read as follows:

S 70.21 ADDITIONAL SENTENCE OF HARD LABOR FOR VIOLENT FELONY OFFENDERS.

IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, THE COURT MAY SENTENCE ANY VIOLENT FELONY OFFENDER CONVICTED OF THE COMMISSION OF A VIOLENT FELONY OFFENSE AS DEFINED IN SECTION 70.02 OF THIS ARTICLE, TO A SPECIFIC ENHANCED PUNISHMENT OF HARD LABOR.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to sentences imposed on and after such date.

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

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