

1482

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. SKELOS, FARLEY, FUSCHILLO, GOLDEN, GRIFFO, HANNON,
LEIBELL, MAZIARZ, MORAHAN, SALAND, SEWARD, VOLKER, WINNER -- read
twice and ordered printed, and when printed to be committed to the
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to limiting plea
bargaining for sexual offenders

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

1 Section 1. Subdivision 5 of section 220.10 of the criminal procedure
2 law is amended by adding a new paragraph (i) to read as follows:
3 (I) WHERE THE INDICTMENT CHARGES A FELONY CONTAINED IN ARTICLE ONE
4 HUNDRED THIRTY OR SECTION 255.25, 263.05, 263.10 OR 263.15 OF THE PENAL
5 LAW, ANY PLEA OF GUILTY THEREAFTER ENTERED IN SATISFACTION OF SUCH
6 CHARGE MUST INCLUDE AT LEAST A PLEA OF GUILTY TO THE VIOLATION OF ONE OF
7 THE ABOVE ENUMERATED OFFENSES AND NO OTHER DISPOSITION BY PLEA OF GUILTY
8 TO ANY OTHER CHARGE IN SATISFACTION OF SUCH CHARGE SHALL BE AUTHORIZED,
9 PROVIDED, HOWEVER, IF THE DISTRICT ATTORNEY UPON REVIEWING THE AVAILABLE
10 EVIDENCE DETERMINES THAT THE CHARGE OF A VIOLATION OF THE ABOVE ENUMER-
11 ATED FELONIES IS NOT WARRANTED, SUCH DISTRICT ATTORNEY MAY CONSENT, AND
12 THE COURT MAY ALLOW A DISPOSITION BY PLEA OF GUILTY TO ANOTHER CHARGE IN
13 SATISFACTION OF SUCH CHARGE; PROVIDED, HOWEVER, IN ALL SUCH CASES, THE
14 COURT SHALL SET FORTH UPON THE RECORD THE BASIS FOR SUCH DISPOSITION.
15 S 2. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.

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

LBD03380-01-9