

3387

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

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

AN ACT to amend the penal law, in relation to sentences for inmates found guilty of promoting dangerous contraband

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

1 Section 1. Paragraphs (a) and (b) of subdivision 5 of section 70.25
2 of the penal law, as amended by chapter 3 of the laws of 1995, are
3 amended to read as follows:
4 (a) Except as provided in paragraph (c) of this subdivision, when a
5 person is convicted of assault in the second degree, as defined in
6 subdivision seven of section 120.05 of this chapter, OR PROMOTING PRISON
7 CONTRABAND IN THE FIRST DEGREE, AS DEFINED IN SECTION 205.25 OF THIS
8 CHAPTER, any definite, indeterminate or determinate term of imprisonment
9 which may be imposed as a sentence upon such conviction shall run
10 consecutively to any undischarged term of imprisonment to which the
11 defendant was subject and for which he was confined at the time of the
12 assault OR AT THE TIME THE CONTRABAND WAS MADE, OBTAINED OR POSSESSED.
13 (b) Except as provided in paragraph (c) of this subdivision, when a
14 person is convicted of assault in the second degree, as defined in
15 subdivision seven of section 120.05 of this chapter, OR PROMOTING PRISON
16 CONTRABAND IN THE FIRST DEGREE, AS DEFINED IN SECTION 205.25 OF THIS
17 CHAPTER, any definite, indeterminate or determinate term of imprisonment
18 which may be imposed as a sentence upon such conviction shall run
19 consecutively to any term of imprisonment which was previously imposed
20 or which may be prospectively imposed where the person was confined
21 within a detention facility at the time of the assault OR AT THE TIME
22 THE CONTRABAND WAS MADE, OBTAINED OR POSSESSED upon a charge which
23 culminated in such sentence of imprisonment.

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

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1 S 2. Paragraphs (a) and (b) of subdivision 5 of section 70.25 of the
2 penal law, as added by chapter 372 of the laws of 1981, are amended to
3 read as follows:

4 (a) Except as provided in paragraph (c) of this subdivision, when a
5 person is convicted of assault in the second degree, as defined in
6 subdivision seven of section 120.05 of this chapter, OR PROMOTING PRISON
7 CONTRABAND IN THE FIRST DEGREE, AS DEFINED IN SECTION 205.25 OF THIS
8 CHAPTER, any definite or indeterminate term of imprisonment which may be
9 imposed as a sentence upon such conviction shall run consecutively to
10 any undischarged term of imprisonment to which the defendant was subject
11 and for which he was confined at the time of the assault OR AT THE TIME
12 THE CONTRABAND WAS MADE, OBTAINED OR POSSESSED.

13 (b) Except as provided in paragraph (c) of this subdivision, when a
14 person is convicted of assault in the second degree, as defined in
15 subdivision seven of section 120.05 of this chapter, OR PROMOTING PRISON
16 CONTRABAND IN THE FIRST DEGREE, AS DEFINED IN SECTION 205.25 OF THIS
17 CHAPTER, any definite or indeterminate term of imprisonment which may be
18 imposed as a sentence upon such conviction shall run consecutively to
19 any term of imprisonment which was previously imposed or which may be
20 prospectively imposed where the person was confined within a detention
21 facility at the time of the assault OR AT THE TIME THE CONTRABAND WAS
22 MADE, OBTAINED OR POSSESSED upon a charge which culminated in such
23 sentence of imprisonment.

24 S 3. This act shall take effect on the ninetieth day after it shall
25 have become a law; provided, however, that the amendments to paragraphs
26 (a) and (b) of subdivision 5 of section 70.25 of the penal law made by
27 section one of this act shall be subject to the expiration and reversion
28 of such paragraphs pursuant to section 74 of chapter 3 of the laws 1995,
29 as amended when upon such date the provisions of section two of this act
30 shall take effect.