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

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:

Section 1. Paragraphs (a) and (b) of subdivision 5 of section 70.25 of the penal law, as amended by chapter 3 of the laws of 1995, are amended to read as follows:

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

(b) Except as provided in paragraph (c) of this subdivision, when a person is convicted of assault in the second degree, as defined in subdivision seven of section 120.05 of this chapter, OR PROMOTING PRISON CONTRABAND IN THE FIRST DEGREE, AS DEFINED IN SECTION 205.25 OF THIS CHAPTER, any definite, indeterminate or determinate term of imprisonment which may be imposed as a sentence upon such conviction shall run consecutively to any term of imprisonment which was previously imposed or which may be prospectively imposed where the person was confined within a detention facility at the time of the assault OR AT THE TIME THE CONTRABAND WAS MADE, OBTAINED OR POSSESSED upon a charge which 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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S 2. Paragraphs (a) and (b) of subdivision 5 of section 70.25 of the penal law, as added by chapter 372 of the laws of 1981, are amended to read as follows:

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

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

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