

4707

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- 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 imposing a mandatory prison sentence for the use or display of a firearm or rifle in the commission of a violent felony offense

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

1 Section 1. The penal law is amended by adding a new section 70.16 to
2 read as follows:
3 S 70.16 SENTENCES OF IMPRISONMENT FOR THE USE OR DISPLAY OF A FIREARM OR
4 RIFLE IN COMMITTING A VIOLENT FELONY OFFENSE.
5 NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, ANY PERSON
6 CONVICTED OF THE USE OR ATTEMPT TO USE ANY FIREARM OR RIFLE, OR THE
7 DISPLAY OF SUCH FIREARM OR RIFLE IN A THREATENING MANNER, IN THE COURSE
8 OF, OR IN FURTHERANCE OF ANY VIOLENT FELONY OFFENSE AS DEFINED IN SUBDI-
9 VISION ONE OF SECTION 70.02 OF THIS ARTICLE, SHALL BE SENTENCED TO AN
10 ADDITIONAL TERM OF IMPRISONMENT OF THREE YEARS FOR A FIRST CONVICTION
11 AND FOR A TERM OF SIX YEARS FOR A SECOND OR SUBSEQUENT CONVICTION. UPON
12 SUCH CONVICTION, OR SECOND OR SUBSEQUENT CONVICTION, THE COURT SHALL BE
13 PROHIBITED FROM IMPOSING A SENTENCE OF CONDITIONAL DISCHARGE, OR UNCON-
14 DITIONAL DISCHARGE, NOR SHALL THE COURT SENTENCE A PERSON TO A PERIOD OF
15 PROBATION UPON SUCH CONVICTION. SUCH SENTENCE SHALL RUN CONSECUTIVELY TO
16 ANY SENTENCE IMPOSED BY THE COURT FOR THE COMMISSION OF ANY SUCH VIOLENT
17 FELONY OFFENSE.
18 S 2. This act shall take effect on the first of November next succeed-
19 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.

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