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

1784

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. CALHOUN, CROUCH, TOWNSEND -- Multi-Sponsored by -- M. of A. BACALLES, CONTE, FINCH, TEDISCO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to certain crimes committed with a firearm

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

Section 1. The penal law is amended by adding a new section 70.11 to read as follows:

S 70.11 ADDITIONAL MINIMUM SENTENCE OF IMPRISONMENT FOR ARMED FELONY OFFENSE.

IN ADDITION TO ANY SENTENCE IMPOSED BY THE COURT FOR THE COMMISSION OF AN ARMED FELONY OFFENSE AS DEFINED IN SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, THE COURT SHALL IMPOSE AN ADDITIONAL MINIMUM TERM OF IMPRISONMENT AS FOLLOWS:

1. FOR A CLASS B ARMED FELONY OFFENSE, FIVE YEARS;

2. FOR A CLASS C ARMED FELONY OFFENSE, FIVE YEARS;

3. FOR A CLASS D FELONY OFFENSE, EXCEPT THE OFFENSE OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS DEFINED IN SUBDIVISION FIVE OF SECTION 265.02, FIVE YEARS.

ANY SENTENCE IMPOSED PURSUANT TO THIS SECTION SHALL BE DEEMED TO BE AN INCREASE OF ANY MINIMUM TERM OF IMPRISONMENT OTHERWISE IMPOSED. SUCH ADDITIONAL TERM SHALL RUN CONSECUTIVELY WITH ANY OTHER MINIMUM TERM OF IMPRISONMENT AND SHALL NOT BE REDUCED PURSUANT TO SUBDIVISION ONE OR FOUR OF SECTION 70.30. ANY PERSON SERVING A MINIMUM SENTENCE INCREASED BY THIS SECTION SHALL NOT BE RELEASED PURSUANT TO SECTION 70.40 UNTIL SUCH MINIMUM SENTENCE SHALL HAVE BEEN SERVED.

S 2. This act shall take effect on the first of November next succeeding 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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