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

3222

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. KOON, CHRISTENSEN, JOHN, MAGEE -- Multi-Sponsored by -- M. of A. MAYERSOHN, MORELLE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing sentences for certain juvenile offenders

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

Section 1. Subdivisions 2 and 3 of section 70.05 of the penal law, as added by chapter 481 of the laws of 1978, paragraph (e) of subdivision 2 as added and paragraph (c) of subdivision 3 as amended by chapter 435 of the laws of 1998, and paragraph (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, are amended to read as follows:

2. Maximum term of sentence. The maximum term of an indeterminate sentence for a juvenile offender shall be [at least three years and the term shall be] fixed as follows:

(a) For the class A felony of murder in the second degree, the term shall be life imprisonment;

(b) For the class A felony of arson in the first degree, or for the class A felony of kidnapping in the first degree the term shall be fixed by the court, and shall be at least twelve years but shall not exceed fifteen years;

(c) For a class B felony, the term shall be fixed by the court, and shall BE AT LEAST FOUR YEARS BUT SHALL not exceed [ten] FIFTEEN years;

(d) For a class C felony, the term shall be fixed by the court, and shall not exceed [seven] TEN years; and

(e) For a class D felony, the term shall be fixed by the court, and shall BE AT LEAST THREE YEARS BUT SHALL not exceed [four] SEVEN years.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a juvenile offender shall be specified in the sentence as follows:

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

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(a) [For the class A felony of murder in the second degree, the minimum period of imprisonment shall be fixed by the court and shall be not less than five years but shall not exceed nine years provided, however, that where the sentence is for an offense specified in subdivision one or two of section 125.25 of this chapter and the defendant was fourteen or fifteen years old at the time of such offense, the minimum period of imprisonment shall be not less than seven and one-half years but shall not exceed fifteen years;

(b)] For the class A felony of arson in the first degree, or for the class A felony of kidnapping in the first degree, the minimum period of imprisonment shall be fixed by the court and shall be not less than [four] EIGHT years but shall not exceed [six] TWELVE years; and

[(c)] (B) For a class B, C or D felony, the minimum period of imprisonment shall be fixed by the court at [one-third] ONE-HALF of the maximum term imposed.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.