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

5074

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. GIGLIO, WALKER, KOLB, FINCH, ERRIGO, BALL -- Multi-Sponsored by -- M. of A. McDONOUGH, McKEVITT, MILLER, TOWNSEND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to definite terms of imprisonment imposed for aggravated harassment in the second degree and menacing in the second degree

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

Section 1. Paragraphs (b) and (d) of subdivision 2 of section 70.30 of the penal law are amended to read as follows:

(b) If the sentences run consecutively and are to be served in a single institution, the terms are added to arrive at an aggregate term and are satisfied by discharge of such aggregate term, or by service of two years imprisonment plus any term imposed for an offense committed while the person is under the sentences, whichever is less; PROVIDED, HOWEVER, THAT IF ANY OF THE TERMS ARE IMPOSED FOR A CONVICTION OF AGGRAVATED HARASSMENT IN THE SECOND DEGREE OR MENACING IN THE SECOND DEGREE, THE TERMS SHALL BE ADDED TO ARRIVE AT AN AGGREGATE TERM WHICH SHALL BE SATISFIED BY THE DISCHARGE OF SUCH AGGREGATE TERM PLUS ANY TERM IMPOSED FOR AN OFFENSE COMMITTED WHILE THE PERSON IS UNDER THE SENTENCES;

(d) If the sentences run consecutively and are to be served in more than one institution, the aggregate of the time served in all of the institutions shall not exceed two years plus any term imposed for an offense committed while the person is under the sentences; PROVIDED, HOWEVER, THAT IF ANY OF THE TERMS ARE IMPOSED FOR A CONVICTION OF AGGRAVATED HARASSMENT IN THE SECOND DEGREE OR MENACING IN THE SECOND DEGREE, THE TERMS SHALL BE ADDED TO ARRIVE AT AN AGGREGATE TERM WHICH SHALL BE SATISFIED BY THE DISCHARGE OF SUCH AGGREGATE TERM PLUS ANY TERM IMPOSED FOR AN OFFENSE COMMITTED WHILE THE PERSON IS UNDER THE SENTENCES.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to offenses committed on or after such effective date.

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

LBD05124-01-9