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

5444

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the sentencing of certain murder offenses

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

Section 1. Subdivision 2-a of section 70.25 of the penal law, as amended by section 40 of chapter 7 of the laws of 2007, is amended to read as follows:

2-a. When an indeterminate or determinate sentence of imprisonment is imposed pursuant to section 70.04, 70.06, 70.08, 70.10, subdivision three or four of section 70.70, subdivision three or four of section 70.71 [or], subdivision five of section 70.80 OR SECTIONS 125.25, 125.26, OR 125.27 AS SENTENCED PURSUANT TO SECTION 70.00 of this article, and such person is subject to an undischarged indeterminate or determinate sentence of imprisonment imposed prior to the date on which the present crime was committed, the court must impose a sentence to run consecutively with respect to such undischarged sentence.

S 2. Subdivision 2-a of section 70.25 of the penal law, as amended by section 41 of chapter 7 of the laws of 2007, is amended to read as follows:

2-a. When an indeterminate or determinate sentence of imprisonment is imposed pursuant to section 70.04, 70.06, 70.08, 70.10, subdivision three or four of section 70.70, subdivision three or four of section 70.71 [or], subdivision five of section 70.80 OR SECTIONS 125.25, 125.26, OR 125.27 AS SENTENCED PURSUANT TO SECTION 70.00 of this article, and such person is subject to an undischarged indeterminate sentence of imprisonment imposed prior to the date on which the present crime was committed, the court must impose a sentence to run consecutively with respect to such undischarged sentence.

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

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S 3. This act shall take effect immediately, provided that the amendments to subdivision 2-a of the penal law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section two of this act shall take effect.