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

7221

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

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

AN ACT to amend the penal law, in relation to sentences of imprisonment for certain class C felony offenses

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

Section 1. Subdivision 4 of section 70.00 of the penal law, as amended by chapter 738 of the laws of 2004, is amended to read as follows:

4. Alternative definite sentence for class D [and], E, AND CERTAIN CLASS C felonies. When a person, other than a second or persistent felony offender, is sentenced for a class D or class E felony, OR FOR A CLASS C FELONY, OTHER THAN A CLASS C FELONY SPECIFIED IN SUBDIVISION FOUR OF SECTION 60.05, A CLASS C VIOLENT FELONY SPECIFIED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 70.02 OR A CLASS C FELONY SEX OFFENSE SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 70.80, and the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose an indeterminate or determinate sentence, the court may impose a definite sentence of imprisonment and fix a term of one year or less.

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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