

2559

2009-2010 Regular Sessions

I N S E N A T E

February 24, 2009

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the amount of restitution
payable to victims of felonies

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

1 Section 1. Paragraph (a) of subdivision 5 of section 60.27 of the
2 penal law, as amended by chapter 499 of the laws of 2005, is amended to
3 read as follows:

4 (a) Except upon consent of the defendant or as provided in paragraph
5 (b) of this subdivision, or as a condition of probation or conditional
6 discharge as provided in paragraph (g) of subdivision two of section
7 65.10 of this chapter, the amount of restitution or reparation required
8 by the court shall not exceed [fifteen] ONE HUNDRED thousand dollars in
9 the case of a conviction for a felony, or ten thousand dollars in the
10 case of a conviction for any offense other than a felony. Notwithstand-
11 ing the provisions of this subdivision, if an officer of a school
12 district is convicted of violating any section of article one hundred
13 fifty-five of this chapter where the victim of such crime is such offi-
14 cer's school district, the court may require an amount of restitution up
15 to the full amount of the fruits of the offense or reparation up to the
16 full amount of the actual out-of-pocket loss suffered by the victim,
17 provided further that in such case the provisions of paragraph (b) of
18 this subdivision shall not apply.

19 S 2. This act shall take effect on the first of November next succeed-
20 ing 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.

LBD09648-01-9