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48 POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE THIRD  
49 DEGREE); SECTION 490.40 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR  
50 BIOLOGICAL WEAPON IN THE SECOND DEGREE); SECTION 490.45 (CHEMICAL  
51 POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST  
52 DEGREE); SECTION 490.47 (CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL  
53 WEAPON IN THE THIRD DEGREE); SECTION 490.50 (CRIMINAL USE OF A CHEMICAL  
54 WEAPON OR BIOLOGICAL WEAPON IN THE SECOND DEGREE); OR ANY ATTEMPT OR  
55 CONSPIRACY TO COMMIT ANY OF THE FOREGOING OFFENSES.

1 3. (A) WHEN A PERSON IS CONVICTED OF COMMITTING AN OFFENSE WHILE  
2 IMPERSONATING A POLICE OFFICER OR PEACE OFFICER PURSUANT TO THIS  
3 SECTION, AND THE SPECIFIED OFFENSE IS A VIOLENT FELONY OFFENSE, AS  
4 DEFINED IN SECTION 70.02 OF THIS CHAPTER, THE OFFENSE OF COMMITTING AN  
5 OFFENSE WHILE IMPERSONATING A POLICE OFFICER OR PEACE OFFICER SHALL BE  
6 DEEMED A VIOLENT FELONY OFFENSE.

7 (B) WHEN A PERSON IS CONVICTED OF COMMITTING AN OFFENSE WHILE IMPERSONATING A POLICE OFFICER OR PEACE OFFICER PURSUANT TO THIS SECTION AND  
8 THE SPECIFIED OFFENSE IS A MISDEMEANOR OR A CLASS C, D OR E FELONY, THE  
9 OFFENSE OF COMMITTING AN OFFENSE WHILE IMPERSONATING A POLICE OFFICER OR  
10 PEACE OFFICER SHALL BE DEEMED TO BE ONE CATEGORY HIGHER THAN THE SPECIFIED  
11 OFFENSE THE DEFENDANT COMMITTED, OR ONE CATEGORY HIGHER THAN THE  
12 OFFENSE LEVEL APPLICABLE TO THE DEFENDANT'S CONVICTION FOR AN ATTEMPT OR  
13 CONSPIRACY TO COMMIT A SPECIFIED OFFENSE, WHICHEVER IS APPLICABLE.

14 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS  
15 CONVICTED OF COMMITTING AN OFFENSE WHILE IMPERSONATING A POLICE OFFICER  
16 OR PEACE OFFICER PURSUANT TO THIS SECTION AND THE SPECIFIED OFFENSE IS A  
17 CLASS B FELONY:

18 (I) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST  
19 SIX YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.00 OF  
20 THIS CHAPTER;

21 (II) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST EIGHT YEARS  
22 IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.02 OF THIS CHAPTER;

23 (III) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST TWELVE  
24 YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.04 OF THIS  
25 CHAPTER;

26 (IV) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST  
27 FOUR YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.05 OF  
28 THIS CHAPTER; AND

29 (V) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE OR THE TERM OF THE  
30 DETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS IF THE DEFENDANT IS  
31 SENTENCED PURSUANT TO SECTION 70.06 OF THIS CHAPTER.

32 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS  
33 CONVICTED OF COMMITTING AN OFFENSE WHILE IMPERSONATING A POLICE OFFICER  
34 OR PEACE OFFICER PURSUANT TO THIS SECTION AND THE SPECIFIED OFFENSE IS A  
35 CLASS A-I FELONY, THE MINIMUM PERIOD OF THE INDETERMINATE SENTENCE SHALL  
36 BE NOT LESS THAN TWENTY YEARS.

37 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS  
38 CONVICTED OF COMMITTING AN OFFENSE WHILE IMPERSONATING A POLICE OFFICER  
39 OR PEACE OFFICER PURSUANT TO THIS SECTION AND THE SPECIFIED OFFENSE IS  
40 THE VIOLATION OF HARASSMENT IN THE SECOND DEGREE AS DEFINED IN SECTION  
41 240.26 OF THIS PART, THE COMMITTING OF AN OFFENSE WHILE IMPERSONATING A  
42 POLICE OFFICER OR PEACE OFFICER SHALL BE DEEMED TO BE A CLASS A MISDEMEANOR.

43 S 2. Subdivision 2 of section 70.25 of the penal law, as amended by  
44 chapter 56 of the laws of 1984, is amended to read as follows:

45 2. When more than one sentence of imprisonment is imposed on a person  
46 for two or more offenses committed through a single act or omission, or  
47 through an act or omission which in itself constituted one of the  
48 offenses and also was a material element of the other OR A VIOLATION OF  
49 SECTION 190.28 OF THIS CHAPTER AND A VIOLATION OF SECTION 190.25 OR  
50 190.26 OF THIS CHAPTER COMMITTED THROUGH A SINGLE ACT OR CRIMINAL TRANS-  
51 ACTION, the sentences, except if one or more of such sentences is for a  
52 violation of section 270.20 of this chapter, must run concurrently.

53 S 3. This act shall take effect on the first of November next succeeding  
54 the date on which it shall have become a law.  
55  
56