

6245

2009-2010 Regular Sessions

I N S E N A T E

October 23, 2009

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

AN ACT to amend the penal law, in relation to the calculation of concurrent indeterminate and determinate sentences

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

1 Section 1. Paragraph (a) of subdivision 1 of section 70.30 of the
2 penal law, as amended by chapter 3 of the laws of 1995, is amended to
3 read as follows:
4 (a) If the sentences run concurrently, the time served under imprisonment on any of the sentences shall be credited against the minimum periods of all the concurrent indeterminate sentences and against the terms of all the concurrent determinate sentences, SUBJECT TO THE FOLLOWING LIMITATION: IN THE EVENT A DEFENDANT SERVING A DETERMINATE OR INDETERMINATE SENTENCE IS RELEASED TO PAROLE, CONDITIONAL RELEASE, MAXIMUM EXPIRATION, POST-RELEASE SUPERVISION, STAY OF EXECUTION PENDING APPEAL OR VACATUR OF SENTENCE, ANY TIME SERVED PRIOR TO SUCH RELEASE SHALL NOT BE CREDITED TO ANY CONCURRENT DETERMINATE OR INDETERMINATE SENTENCE IMPOSED ON A CONVICTION FOR AN OFFENSE COMMITTED AFTER SUCH RELEASE. THIS LIMITATION SHALL NOT AFFECT THE SENTENCE CREDIT AUTHORIZED BY SUBDIVISION FIVE OF THIS SECTION RELATING TO VACATED SENTENCES. The maximum term or terms of the indeterminate sentences and the term or terms of the determinate sentences shall merge in and be satisfied by discharge of the term which has the longest unexpired time to run;
19 S 2. This act shall take effect immediately; provided, however, that
20 the amendment to paragraph (a) of subdivision 1 of section 70.30 of the
21 penal law made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

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

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