

2041

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 11, 2011

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Introduced by M. of A. TEDISCO, McDONOUGH, SAYWARD -- Multi-Sponsored by  
-- M. of A. BARCLAY, BOYLE, BURLING, BUTLER, CALHOUN, CONTE, CROUCH,  
DUPREY, FINCH, FITZPATRICK, GIGLIO, HAWLEY, HAYES, KOLB, P. LOPEZ,  
McKEVITT, J. MILLER, MOLINARO, OAKS, RABBITT, RAIA, REILICH, SALADINO,  
THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sentence of imprisonment  
for the offense of predatory sexual assault against a child

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

1     Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of  
2     section 70.00 of the penal law, as amended by chapter 107 of the laws of  
3     2006, is amended to read as follows:  
4     (ii) For a class A-II felony, such minimum period shall not be less  
5     than three years nor more than eight years four months, except that for  
6     the class A-II felony of predatory sexual assault as defined in section  
7     130.95 of this chapter [or the class A-II felony of predatory sexual  
8     assault against a child as defined in section 130.96 of this chapter,]  
9     such minimum period shall be not less than ten years nor more than twenty-  
10    five years AND FOR THE CLASS A-II FELONY OF PREDATORY SEXUAL ASSAULT  
11    AGAINST A CHILD AS DEFINED IN SECTION 130.96 OF THIS CHAPTER SUCH MINI-  
12    MUM PERIOD SHALL BE NOT LESS THAN TWENTY-FIVE YEARS AND THE MAXIMUM TERM  
13    SHALL BE LIFE IMPRISONMENT.  
14    S 2. Paragraph (a) of subdivision 4 of section 70.06 of the penal law,  
15    as amended by chapter 107 of the laws of 2006, is amended to read as  
16    follows:  
17    (a) The minimum period of imprisonment for a second felony offender  
18    convicted of a class A-II felony must be fixed by the court at no less  
19    than six years and not to exceed twelve and one-half years and must be  
20    specified in the sentence, except that for the class A-II felony of  
21    predatory sexual assault as defined in section 130.95 of this chapter  
22    [or the class A-II felony of predatory sexual assault against a child as

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

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1 defined in section 130.96 of this chapter,] such minimum period shall be  
2 not less than ten years nor more than twenty-five years AND FOR THE  
3 CLASS A-II FELONY OF PREDATORY SEXUAL ASSAULT AGAINST A CHILD AS DEFINED  
4 IN SECTION 130.96 OF THIS CHAPTER SUCH MINIMUM PERIOD SHALL BE NOT LESS  
5 THAN TWENTY-FIVE YEARS AND THE MAXIMUM TERM SHALL BE LIFE IMPRISONMENT.

6 S 3. Subdivision 1 of section 70.40 of the penal law is amended by  
7 adding a new paragraph (d) to read as follows:

8 (D) A PERSON WHO HAS BEEN PAROLED AFTER SERVING A SENTENCE OF IMPRI-  
9 SONMENT FOR THE CRIME OF PREDATORY SEXUAL ASSAULT AGAINST A CHILD AS  
10 DEFINED IN SECTION 130.96 OF THIS CHAPTER SHALL BE UNDER THE SUPERVISION  
11 OF THE STATE BOARD OF PAROLE FOR THE DURATION OF THEIR LIFETIME.

12 S 4. This act shall take effect on the first of November next succeed-  
13 ing the date on which it shall have become a law.