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

2041

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

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:

Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of section 70.00 of the penal law, as amended by chapter 107 of the laws of 2006, is amended to read as follows:

(ii) For a class A-II felony, such minimum period shall not be less than three years nor more than eight years four months, except that for the class A-II felony of predatory sexual assault as defined in section 130.95 of this chapter [or the class A-II felony of predatory sexual assault against a child as defined in section 130.96 of this chapter,] such minimum period shall be not less than ten years nor more than twenty-five years AND FOR THE CLASS A-II FELONY OF PREDATORY SEXUAL ASSAULT AGAINST A CHILD AS DEFINED IN SECTION 130.96 OF THIS CHAPTER SUCH MINIMUM PERIOD SHALL BE NOT LESS THAN TWENTY-FIVE YEARS AND THE MAXIMUM TERM SHALL BE LIFE IMPRISONMENT.

S 2. Paragraph (a) of subdivision 4 of section 70.06 of the penal law, as amended by chapter 107 of the laws of 2006, is amended to read as follows:

(a) The minimum period of imprisonment for a second felony offender convicted of a class A-II felony must be fixed by the court at no less than six years and not to exceed twelve and one-half years and must be specified in the sentence, except that for the class A-II felony of predatory sexual assault as defined in section 130.95 of this chapter [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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defined in section 130.96 of this chapter,] such minimum period shall be not less than ten years nor more than twenty-five years AND FOR THE CLASS A-II FELONY OF PREDATORY SEXUAL ASSAULT AGAINST A CHILD AS DEFINED IN SECTION 130.96 OF THIS CHAPTER SUCH MINIMUM PERIOD SHALL BE NOT LESS THAN TWENTY-FIVE YEARS AND THE MAXIMUM TERM SHALL BE LIFE IMPRISONMENT.

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

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

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.