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I N S E N A T E

March 8, 2012

Introduced by Sen. SALAND -- (at request of the Office of Court Administration) -- 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 revocation of sentences of probation or conditional discharge imposed under the child passenger protection act

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

- 1 Section 1. Subdivision 3 of section 60.01 of the penal law is amended
2 by adding a new paragraph (f) to read as follows:
3 (F) FOLLOWING REVOCATION OF A SENTENCE OF CONDITIONAL DISCHARGE
4 IMPOSED PURSUANT TO SECTION 60.21 OF THIS ARTICLE, PROBATION AS PROVIDED
5 IN SECTION 65.00 OF THIS CHAPTER THAT INCLUDES THE INSTALLATION AND
6 MAINTENANCE OF A FUNCTIONING IGNITION INTERLOCK DEVICE, OR A SENTENCE OF
7 IMPRISONMENT AND PROBATION AS PROVIDED FOR IN SECTION 60.21 OF THIS
8 ARTICLE.
9 S 2. Subdivision 4 of section 60.01 of the penal law, as amended by
10 chapter 548 of the laws of 1984, is amended to read as follows:
11 4. In any case where a person has been sentenced to a period of
12 probation imposed pursuant to section 65.00 of this chapter, if the part
13 of the sentence that provides for probation is revoked, the court must
14 sentence such person to imprisonment or to the sentence of imprisonment
15 and probation as provided for in paragraph (d) of subdivision two of
16 this section. FOLLOWING REVOCATION OF A SENTENCE OF PROBATION IMPOSED
17 AS PROVIDED FOR IN SECTION 60.21 OF THIS ARTICLE, ANY NEW SENTENCE
18 IMPOSED SHALL INCLUDE PROBATION AND THE INSTALLATION AND MAINTENANCE OF
19 A FUNCTIONING IGNITION INTERLOCK DEVICE AS PROVIDED FOR IN SECTION 60.21
20 OF THIS ARTICLE.
21 S 3. This act shall take effect immediately.

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

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