

7544

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

Introduced by M. of A. McKEVITT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to lifting the fifty year cap applicable to persons convicted of three or more violent felonies

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

1 Section 1. Subparagraph (vi) of paragraph (e) of subdivision 1 of
2 section 70.30 of the penal law, as amended by chapter 3 of the laws of
3 1995, is amended to read as follows:
4 (vi) Notwithstanding subparagraphs (i) and (iv) of this paragraph,
5 [the] THERE SHALL NOT BE AN aggregate maximum term of consecutive
6 sentences, all of which are indeterminate or all of which are determi-
7 nate sentences, imposed for the conviction of three or more violent
8 felony offenses committed prior to the time the person was imprisoned
9 under any of such sentences and one of which is a class B violent felony
10 offense[, shall, if it exceeds fifty years, be deemed to be fifty
11 years];
12 S 2. Subparagraph (iii) of paragraph (c) of subdivision 1 of section
13 70.30 of the penal law, as amended by chapter 199 of the laws of 1983,
14 is amended to read as follows:
15 (iii) Notwithstanding subparagraphs (i) and (ii) of this paragraph,
16 [the] THERE SHALL NOT BE AN aggregate maximum term of consecutive
17 sentences imposed for the conviction of three or more violent felony
18 offenses committed prior to the time the person was imprisoned under any
19 of such sentences and one of which is a class B violent felony offense[,
20 shall, if it exceeds fifty years, be deemed to be fifty years];
21 S 3. This act shall take effect immediately, provided, however, that
22 the amendments to paragraph (e) of subdivision 1 of section 70.30 of the
23 penal law made by section one of this act shall be subject to the expi-
24 ration and reversion of such subdivision pursuant to subdivision d of
25 section 74 of chapter 3 of the laws of 1995, as amended, when upon such
26 date the provisions of section two of this act shall take effect.

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

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