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

5107

2013-2014 Regular Sessions

I N S E N A T E

May 10, 2013

Introduced by Sen. NOZZOLIO -- (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:

Section 1. Paragraph (e) of subdivision 3 of section 60.01 of the penal law, as added by chapter 548 of the laws of 1984, is amended and a new paragraph (f) is added to read as follows:

(e) Following revocation of a sentence of conditional discharge imposed pursuant to section 65.05 of this [chapter] TITLE or paragraph (d) of subdivision two of this section, probation as provided in section 65.00 of this [chapter] TITLE or to the sentence of imprisonment and probation as provided for in paragraph (d) of subdivision two of this section[.]; OR

(F) FOLLOWING REVOCATION OF A SENTENCE OF CONDITIONAL DISCHARGE IMPOSED PURSUANT TO SECTION 60.21 OF THIS ARTICLE, PROBATION AS PROVIDED IN SECTION 65.00 OF THIS TITLE THAT INCLUDES THE INSTALLATION AND MAINTENANCE OF A FUNCTIONING IGNITION INTERLOCK DEVICE, OR A SENTENCE OF IMPRISONMENT AND PROBATION AS PROVIDED FOR IN SECTION 60.21 OF THIS ARTICLE.

S 2. Subdivision 4 of section 60.01 of the penal law, as amended by chapter 548 of the laws of 1984, is amended to read as follows:

4. In any case where a person has been sentenced to a period of probation imposed pursuant to section 65.00 of this [chapter] TITLE, if the part of the sentence that provides for probation is revoked, the court must sentence such person to imprisonment or to the sentence of imprisonment and probation as provided for in paragraph (d) of subdivision two of this section. FOLLOWING REVOCATION OF A SENTENCE OF

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

LBD10115-01-3

PROBATION IMPOSED AS PROVIDED IN SECTION 60.21 OF THIS ARTICLE, ANY NEW SENTENCE IMPOSED SHALL INCLUDE PROBATION AND THE INSTALLATION AND MAINTENANCE OF A FUNCTIONING IGNITION INTERLOCK DEVICE AS PROVIDED IN SECTION 60.21 OF THIS ARTICLE.

S 3. This act shall take effect immediately.