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

8148

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

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

AN ACT to amend the penal law, in relation to sentences of imprisonment for class A felony drug offenders

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

Section 1. Paragraph (b) of subdivision 2 of section 70.71 of the penal law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(b) Authorized sentence. The court shall impose a determinate term of imprisonment which shall be imposed by the court in whole or half years and which shall include as a part thereof a period of post-release supervision in accordance with section 70.45 of this article. The terms authorized for such determinate sentences are as follows:

(i) for a class A-I felony, the term shall be at least [eight] TEN years and shall not exceed [twenty] TWENTY-FIVE years;

(ii) for a class A-II felony, the term shall be at least [three] FIVE years and shall not exceed [ten] FIFTEEN years.

S 2. Paragraph (b) of subdivision 3 of section 70.71 of the penal law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(b) Authorized sentence. When the court has found pursuant to the provisions of section 400.21 of the criminal procedure law that a defendant is a second felony drug offender who stands convicted of a class A felony as defined in article two hundred twenty or two hundred twenty-one of this chapter, the court shall impose a determinate sentence of imprisonment. Such determinate sentence shall include as a part thereof a period of post-release supervision in accordance with section 70.45 of this article. Such determinate sentence shall be imposed by the court in whole or half years as follows:

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

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(i) for a class A-I felony, the term shall be at least [twelve] FIFTEEN years and shall not exceed [twenty-four] THIRTY years;

(ii) for a class A-II felony, the term shall be at least [six] TEN years and shall not exceed [fourteen] TWENTY years.

S 3. Paragraph (b) of subdivision 4 of section 70.71 of the penal law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(b) Authorized sentence. When the court has found pursuant to the provisions of section 400.21 of the criminal procedure law that a defendant is a second felony drug offender whose prior felony conviction was a violent felony, who stands convicted of a class A felony as defined in article two hundred twenty or two hundred twenty-one of this chapter, the court shall impose a determinate sentence of imprisonment. Such determinate sentence shall include as a part thereof a period of post-release supervision in accordance with section 70.45 of this article. Such determinate sentence shall be imposed by the court in whole or half years as follows:

(i) for a class A-I felony, the term shall be at least [fifteen] TWENTY years and shall not exceed thirty years;

(ii) for a class A-II felony, the term shall be at least [eight] TEN years and shall not exceed [seventeen] TWENTY years.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to sentences issued on or after such date.