

1686

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. TEDISCO, McDONOUGH -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CERETTO, CROUCH, FINCH, FITZPATRICK, GIGLIO, HAWLEY, KOLB, LOPEZ, McKEVITT, McLAUGHLIN, OAKS, PALMESANO, RA, RAIA, SALADINO, TENNEY, 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:

1 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of
2 section 70.00 of the penal law, as amended by chapter 107 of the laws of
3 2006, is amended to read as follows:
4 (ii) For a class A-II felony, such minimum period shall not be less
5 than three years nor more than eight years four months, except that for
6 the class A-II felony of predatory sexual assault as defined in section
7 130.95 of this chapter [or the class A-II felony of predatory sexual
8 assault against a child as defined in section 130.96 of this chapter,]
9 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
10 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
11 SHALL BE LIFE IMPRISONMENT.
12 S 2. Paragraph (a) of subdivision 4 of section 70.06 of the penal law,
13 as amended by chapter 107 of the laws of 2006, is amended to read as follows:
14 (a) The minimum period of imprisonment for a second felony offender
15 convicted of a class A-II felony must be fixed by the court at no less
16 than six years and not to exceed twelve and one-half years and must be
17 specified in the sentence, except that for the class A-II felony of
18 predatory sexual assault as defined in section 130.95 of this chapter
19 [or the class A-II felony of predatory sexual assault against a child as
20 defined in section 130.96 of this chapter,]
21 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
22 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
23 SHALL BE LIFE IMPRISONMENT.

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

1 defined in section 130.96 of this chapter,] such minimum period shall be
2 not less than ten years nor more than twenty-five years AND FOR THE
3 CLASS A-II FELONY OF PREDATORY SEXUAL ASSAULT AGAINST A CHILD AS DEFINED
4 IN SECTION 130.96 OF THIS CHAPTER SUCH MINIMUM PERIOD SHALL BE NOT LESS
5 THAN TWENTY-FIVE YEARS AND THE MAXIMUM TERM SHALL BE LIFE IMPRISONMENT.

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

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

12 S 4. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.