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

2197

2015-2016 Regular Sessions

I N  A S S E M B L Y

January 15, 2015

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

AN ACT to amend the penal law, in relation to sentencing

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

Section 1. Paragraph (c) of subdivision 3 of section 70.02 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(c) For a class D felony, the term must be at least [two] ONE AND ONE-HALF years and must not exceed seven years, provided, however, that the term must be: (i) at least two years and must not exceed eight years where the sentence is for the crime of menacing a police officer or peace officer as defined in section 120.18 of this chapter; and (ii) at least three and one-half years and must not exceed seven years where the sentence is imposed for the crime of criminal possession of a weapon in the third degree as defined in subdivision ten of section 265.02 of this chapter;

S 2. This act shall take effect immediately; provided, however, that this act shall apply to offenses committed on or after such effective date.

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

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