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I N S E N A T E

March 14, 2016

Introduced by Sen. MARCHIONE -- 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 sentences of imprisonment for the offense of murder in the second degree

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

1 Section 1. Subparagraph (i) 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 (i) For a class A-I felony, such minimum period shall not be less than
5 fifteen years nor more than twenty-five years; provided, however, that
6 (A) where a sentence, other than a sentence of death or life imprison-
7 ment without parole, is imposed upon a defendant convicted of murder in
8 the first degree as defined in section 125.27 of this chapter such mini-
9 mum period shall be not less than twenty years nor more than twenty-five
10 years, and, (B) where a sentence is imposed upon a defendant convicted
11 of murder in the second degree as defined in subdivision five of section
12 125.25 of this chapter or convicted of aggravated murder as defined in
13 section 125.26 of this chapter, the sentence shall be life imprisonment
14 without parole, and, (C) where a sentence is imposed upon a defendant
15 convicted of attempted murder in the first degree as defined in article
16 one hundred ten of this chapter and subparagraph (i), (ii) or (iii) of
17 paragraph (a) of subdivision one and paragraph (b) of subdivision one of
18 section 125.27 of this chapter or attempted aggravated murder as defined
19 in article one hundred ten of this chapter and section 125.26 of this
20 chapter such minimum period shall be not less than twenty years nor more
21 than forty years, AND, (D) WHERE A SENTENCE IS IMPOSED UPON A DEFENDANT
22 CONVICTED OF MURDER IN THE SECOND DEGREE AS DEFINED IN SECTION 125.25 OF
23 THIS CHAPTER AND A DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT
24 THE VICTIM WAS PREGNANT, SUCH MINIMUM SENTENCE SHALL BE NOT LESS THAN
25 TWENTY YEARS NOR MORE THAN TWENTY-FIVE YEARS.
26 S 2. This act shall take effect immediately.

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

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