

# STATE OF NEW YORK

5306

2017-2018 Regular Sessions

## IN SENATE

March 20, 2017

Introduced by Sen. AKSHAR -- (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 revocable sentences of probation or conditional discharge and imprisonment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 2 of section 60.01 of the  
2 penal law, as amended by chapter 65 of the laws of 1982, is amended to  
3 read as follows:

4 (d) In any case where the court imposes a sentence of imprisonment not  
5 in excess of sixty days[7] for a class B misdemeanor, or not in excess  
6 of ninety days for assault in the third degree as defined by section  
7 120.00 of this chapter, menacing in the second degree as defined by  
8 section 120.14 of this chapter, stalking in the third degree as defined  
9 by section 120.50 of this chapter, criminal obstruction of breathing or  
10 blood circulation as defined by section 121.11 of this chapter, sexual  
11 misconduct as defined by section 130.20 of this chapter, forcible touch-  
12 ing as defined by section 130.52 of this chapter, sexual abuse in the  
13 second degree as defined by section 130.60 of this chapter, criminal  
14 contempt in the second degree as defined by section 215.50 of this chap-  
15 ter, criminal possession of a controller substance in the seventh degree  
16 as defined by section 220.03 of this chapter, criminally possessing a  
17 hypodermic instrument as defined by section 220.45 of this chapter,  
18 criminally using drug paraphernalia in the second degree as defined by  
19 section 220.50 of this chapter and criminal possession of methampheta-  
20 mine manufacturing material in the second degree as defined by section  
21 220.70 of this chapter, or not in excess of six months for a felony or  
22 in the case of a sentence of intermittent imprisonment not in excess of  
23 four months, it may also impose a sentence of probation or conditional  
24 discharge provided that the term of probation or conditional discharge

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

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1 together with the term of imprisonment shall not exceed the term of  
2 probation or conditional discharge authorized by article sixty-five of  
3 this chapter. The sentence of imprisonment shall be a condition of and  
4 run concurrently with the sentence of probation or conditional  
5 discharge.

6 § 2. This act shall take effect on the first of November next succeed-  
7 ing the date on which it shall have become a law, and shall apply to  
8 offenses committed on or after such effective date.