STATE OF NEW YORK

10339

IN ASSEMBLY

April 10, 2018

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

AN ACT to amend the penal law, in relation to enacting the "Benny A. Lyde's law"

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

Section 1. Short title. This act shall be known and may be cited as "Benny A. Lyde's law".

§ 2. Paragraph (a) of subdivision 3 of section 70.02 of the penal law, as amended by chapter 765 of the laws of 2005, is amended to read as follows:

(a) For a class B felony, the term must be at least five years and must not exceed twenty-five years, provided, however, that the term must be: (i) at least ten years and must not exceed thirty years where the sentence is for the crime of aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; [~~and~~] (ii) at least ten years and must not exceed thirty years where the sentence is for the crime of aggravated manslaughter in the first degree as defined in section 125.22 of this chapter; **and (iii) at least ten years and must not exceed thirty years where the sentence is for the crime of assault in the first degree as defined in section 120.10 of this chapter, the victim of such crime was twenty-one years of age or younger;**

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD14253-03-8