

# STATE OF NEW YORK

---

2984

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

---

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

AN ACT to amend the penal law, in relation to mandatory sentencing for a person found guilty of criminal contempt in the first degree

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

1 Section 1. Subdivision 4 of section 70.00 of the penal law, as amended  
2 by chapter 738 of the laws of 2004, is amended to read as follows:

3 4. Alternative definite sentence for class D and E felonies. (a) When  
4 a person, other than a second or persistent felony offender, is  
5 sentenced for a class D or class E felony, and the court, having regard  
6 to the nature and circumstances of the crime and to the history and  
7 character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose an  
8 indeterminate or determinate sentence, the court may impose a definite  
9 sentence of imprisonment and fix a term of one year or less. Provided,  
10 however, when a person is found guilty of violating paragraph (v) of  
11 subdivision (b) of section 215.51 of this chapter, the court shall  
12 impose a definite sentence of imprisonment of one year and the person  
13 shall serve the entirety of such sentence.

14 (b) Each violation of paragraph (v) of subdivision (b) of section  
15 215.51 of this chapter shall subject a person to a new, separate definite  
16 sentence of imprisonment of one year. Sentences for each violation  
17 shall not run concurrently.

18 § 2. This act shall take effect immediately.  
19

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

LBD06537-01-7