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:

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

4. Alternative definite sentence for class D and E felonies. **(a)** When a person, other than a second or persistent felony offender, is sentenced for a class D or class E felony, and the court, having regard to the nature and circumstances of the crime and to the history and 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 indeterminate or determinate sentence, the court may impose a definite sentence of imprisonment and fix a term of one year or less. **Provided, however, when a person is found guilty of violating paragraph (v) of subdivision (b) of section 215.51 of this chapter, the court shall impose a definite sentence of imprisonment of one year and the person shall serve the entirety of such sentence.**

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

§ 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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