STATE OF NEW YORK

5251

2017-2018 Regular Sessions

IN ASSEMBLY

February 7, 2017

Introduced by M. of A. MONTESANO, RAIA, McDONOUGH, MURRAY, FRIEND, COLTON -- Multi-Sponsored by -- M. of A. CROUCH, McKEVITT, PALMESANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sentences of imprisonment for class A felony drug offenders

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

Section 1. Paragraph (b) of subdivision 2 of section 70.71 of the penal law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(b) Authorized sentence. The court shall impose a determinate term of imprisonment which shall be imposed by the court in whole or half years and which shall include as a part thereof a period of post-release supervision in accordance with section 70.45 of this article. The terms authorized for such determinate sentences are as follows:

(i) for a class A-I felony, the term shall be at least [~~eight~~] ten years and shall not exceed [~~twenty~~] twenty-five years;

(ii) for a class A-II felony, the term shall be at least [~~three~~] five years and shall not exceed [~~ten~~] fifteen years.

§ 2. Paragraph (b) of subdivision 3 of section 70.71 of the penal law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(b) Authorized sentence. When the court has found pursuant to the provisions of section 400.21 of the criminal procedure law that a defendant is a second felony drug offender who stands convicted of a class A felony as defined in article two hundred twenty or two hundred twenty-one of this chapter, the court shall impose a determinate sentence of imprisonment. Such determinate sentence shall include as a part thereof a period of post-release supervision in accordance with section 70.45 of this article. Such determinate sentence shall be imposed by the court in whole or half years as follows:

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

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(i) for a class A-I felony, the term shall be at least [~~twelve~~] fifteen years and shall not exceed [~~twenty-four~~] thirty years;

(ii) for a class A-II felony, the term shall be at least [~~six~~] ten years and shall not exceed [~~fourteen~~] twenty years.

§ 3. Paragraph (b) of subdivision 4 of section 70.71 of the penal law, as added by chapter 738 of the laws of 2004, is amended to read as follows:

(b) Authorized sentence. When the court has found pursuant to the provisions of section 400.21 of the criminal procedure law that a defendant is a second felony drug offender whose prior felony conviction was a violent felony, who stands convicted of a class A felony as defined in article two hundred twenty or two hundred twenty-one of this chapter, the court shall impose a determinate sentence of imprisonment. Such determinate sentence shall include as a part thereof a period of post-release supervision in accordance with section 70.45 of this article. Such determinate sentence shall be imposed by the court in whole or half years as follows:

(i) for a class A-I felony, the term shall be at least [~~fifteen~~] twenty years and shall not exceed thirty years;

(ii) for a class A-II felony, the term shall be at least [~~eight~~] ten years and shall not exceed [~~seventeen~~] twenty years.

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to sentences issued on or after such date.