STATE OF NEW YORK

5833

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

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

AN ACT to amend the penal law, in relation to providing for a mandatory ten-year minimum sentence of imprisonment for certain felony convictions of public servants

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

Section 1. Subdivision 2 of section 70.00 of the penal law is amended by adding a new closing paragraph to read as follows:

Provided, however, where the minimum period of imprisonment established by paragraph (b) of subdivision three of this section exceeds the maximum term of imprisonment established by this subdivision, such maximum term of imprisonment shall not exceed thirteen years.

§ 2. Paragraph (b) of subdivision 3 and subdivision 4 of section 70.00 of the penal law, paragraph (b) of subdivision 3 as amended by chapter 746 of the laws of 2006 and subdivision 4 as amended by chapter 738 of the laws of 2004, are amended to read as follows:

(b) For any other felony, the minimum period shall be fixed by the court and specified in the sentence and shall be not less than one year nor more than one-third of the maximum term imposed**; provided, however, the court shall fix a minimum period of at least ten years when the sentence is for a conviction of section 195.20 (defrauding the government); section 200.10 (bribe receiving in the third degree); section 200.11 (bribe receiving in the second degree); section 200.12 (bribe receiving in the first degree); section 200.25 (receiving reward for official misconduct in the second degree); section 200.27 (receiving reward for official misconduct in the first degree); section 200.50 (bribe receiving for public office); section 496.02 (corrupting the government in the fourth degree); section 496.03 (corrupting the government in the third degree); section 496.04 (corrupting the government in**

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

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the second degree); section 496.05 (corrupting the government in the first degree) or section 496.06 (public corruption).

4. Alternative definite sentence for class D and E felonies. When a person, other than a second or persistent felony offender **or a person sentenced for any of the crimes listed in paragraph (b) of subdivision three of this section**, 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.

§ 3. This act shall take effect immediately.