

# STATE OF NEW YORK

8777

2017-2018 Regular Sessions

## IN ASSEMBLY

November 3, 2017

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

AN ACT to amend the penal law, in relation to sentences for inmates found guilty of promoting dangerous contraband

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

1 Section 1. Paragraphs (a) and (b) of subdivision 5 of section 70.25  
2 of the penal law, as amended by chapter 3 of the laws of 1995, are  
3 amended to read as follows:

4 (a) Except as provided in paragraph (c) of this subdivision, when a  
5 person is convicted of assault in the second degree, as defined in  
6 subdivision seven of section 120.05 of this chapter, or promoting prison  
7 contraband in the first degree, as defined in section 205.25 of this  
8 chapter, any definite, indeterminate or determinate term of imprisonment  
9 which may be imposed as a sentence upon such conviction shall run  
10 consecutively to any undischarged term of imprisonment to which the  
11 defendant was subject and for which he was confined at the time of the  
12 assault or at the time the contraband was made, obtained or possessed.

13 (b) Except as provided in paragraph (c) of this subdivision, when a  
14 person is convicted of assault in the second degree, as defined in  
15 subdivision seven of section 120.05 of this chapter, or promoting prison  
16 contraband in the first degree, as defined in section 205.25 of this  
17 chapter, any definite, indeterminate or determinate term of imprisonment  
18 which may be imposed as a sentence upon such conviction shall run  
19 consecutively to any term of imprisonment which was previously imposed  
20 or which may be prospectively imposed where the person was confined  
21 within a detention facility at the time of the assault or at the time  
22 the contraband was made, obtained or possessed upon a charge which  
23 culminated in such sentence of imprisonment.

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

LBD09084-01-7

1 § 2. Paragraphs (a) and (b) of subdivision 5 of section 70.25 of the  
2 penal law, as added by chapter 372 of the laws of 1981, are amended to  
3 read as follows:

4 (a) Except as provided in paragraph (c) of this subdivision, when a  
5 person is convicted of assault in the second degree, as defined in  
6 subdivision seven of section 120.05 of this chapter, or promoting prison  
7 contraband in the first degree, as defined in section 205.25 of this  
8 chapter, any definite or indeterminate term of imprisonment which may be  
9 imposed as a sentence upon such conviction shall run consecutively to  
10 any undischarged term of imprisonment to which the defendant was subject  
11 and for which he was confined at the time of the assault or at the time  
12 the contraband was made, obtained or possessed.

13 (b) Except as provided in paragraph (c) of this subdivision, when a  
14 person is convicted of assault in the second degree, as defined in  
15 subdivision seven of section 120.05 of this chapter, or promoting prison  
16 contraband in the first degree, as defined in section 205.25 of this  
17 chapter, any definite or indeterminate term of imprisonment which may be  
18 imposed as a sentence upon such conviction shall run consecutively to  
19 any term of imprisonment which was previously imposed or which may be  
20 prospectively imposed where the person was confined within a detention  
21 facility at the time of the assault or at the time the contraband was  
22 made, obtained or possessed upon a charge which culminated in such  
23 sentence of imprisonment.

24 § 3. This act shall take effect on the ninetieth day after it shall  
25 have become a law; provided, however, that the amendments to paragraphs  
26 (a) and (b) of subdivision 5 of section 70.25 of the penal law made by  
27 section one of this act shall be subject to the expiration and reversion  
28 of such paragraphs pursuant to section 74 of chapter 3 of the laws of  
29 1995, as amended when upon such date the provisions of section two of  
30 this act shall take effect.