STATE OF NEW YORK

5306--A

2017-2018 Regular Sessions

IN SENATE

March 20, 2017

Introduced by Sen. AKSHAR -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to revocable sentences of probation or conditional discharge and imprisonment

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

Section 1. Paragraph (d) of subdivision 2 of section 60.01 of the penal law, as amended by chapter 65 of the laws of 1982, is amended to read as follows:

(d) In any case where the court imposes a sentence of imprisonment not in excess of sixty days[~~,~~] for a misdemeanor**, except not in excess of ninety days for assault in the third degree as defined by section 120.00 of this chapter, menacing in the second degree as defined by section 120.14 of this chapter, stalking in the third degree as defined by section 120.50 of this chapter, criminal obstruction of breathing or blood circulation as defined by section 121.11 of this chapter, sexual misconduct as defined by section 130.20 of this chapter, forcible touching as defined by section 130.52 of this chapter, sexual abuse in the second degree as defined by section 130.60 of this chapter, criminal contempt in the second degree as defined by section 215.50 of this chapter, criminal possession of a controller substance in the seventh degree as defined by section 220.03 of this chapter, criminally possessing a hypodermic instrument as defined by section 220.45 of this chapter, criminally using drug paraphernalia in the second degree as defined by section 220.50 of this chapter and criminal possession of methamphetamine manufacturing material in the second degree as defined by section 220.70 of this chapter,** or not in excess of six months for a felony or

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

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in the case of a sentence of intermittent imprisonment not in excess of four months, it may also impose a sentence of probation or conditional discharge provided that the term of probation or conditional discharge together with the term of imprisonment shall not exceed the term of probation or conditional discharge authorized by article sixty-five of this chapter. The sentence of imprisonment shall be a condition of and run concurrently with the sentence of probation or conditional discharge.

§ 2. 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 offenses committed on or after such effective date.