STATE OF NEW YORK

8540

IN SENATE

May 9, 2018

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to consecutive sentencing for certain convictions

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

Section 1. Subdivision 2 of section 70.25 of the penal law, as amended by chapter 56 of the laws of 1984, is amended to read as follows:

2. When more than one sentence of imprisonment is imposed on a person for two or more offenses committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the sentences, except if one or more of such sentences is for a violation of section 270.20 of this chapter, must run concurrently. **Provided however that a sentence may run consecutively if (a) the person was under supervised release, conditional release, probation, or parole at the time of the act; and (b) there were multiple victims who each sustained serious physical injury or death; and (c) if one or more of such sentences is for a conviction under article one hundred twenty-five of this chapter.**

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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