

STATE OF NEW YORK

5712

2019-2020 Regular Sessions

IN SENATE

May 13, 2019

Introduced by Sen. SALAZAR -- 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 authorizing courts to depart from mandatory minimum sentences in certain cases and requiring courts to report such cases to the division of criminal justice services

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

1 Section 1. This act shall be known and may be cited as the "justice
2 safety valve act".

3 § 2. Section 60.01 of the penal law is amended by adding a new subdi-
4 vision 5 to read as follows:

5 5. Notwithstanding any other provision of law to the contrary, when
6 sentencing a person convicted of a felony for which there is a mandatory
7 minimum sentence, the court may depart from any applicable mandatory
8 minimum sentence if, giving due regard to the nature of the crime,
9 history and character of the defendant and his or her chances of
10 successful rehabilitation, the court finds that:

11 (a) imposition of the mandatory minimum would result in substantial
12 injustice; and

13 (b) the mandatory minimum sentence is not necessary for the protection
14 of the public.

15 The court shall report any departure from a mandatory minimum sentence
16 on a form developed by the office of court administration which shall be
17 forwarded to the division of criminal justice services.

18 § 3. This act shall take effect immediately.

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

LBD11677-01-9