

# STATE OF NEW YORK

6045

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

Introduced by Sen. STAVISKY -- 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 establishing enhanced penalties for threatening to expose a witness or a domestic violence victim's immigration status

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

1 Section 1. The penal law is amended by adding a new section 70.11 to  
2 read as follows:

3 § 70.11 Sentences of imprisonment for domestic violence; aggravating  
4 factors.

5 In matters divested to a criminal court under section eight hundred  
6 twelve of the family court act, or where such court exercises concurrent  
7 jurisdiction under such section and in matters referred to a criminal  
8 court under article six-A of the social services law, where the respond-  
9 ent threatens to expose a witness or a victim's immigration status in  
10 order to coerce such victim or witness or conceal such offense, shall  
11 result in the following enhancement of such sentence:

12 (a) For offenses committed under section 120.00 of this chapter, the  
13 sentence shall reflect a class E felony;

14 (b) For offenses committed under section 120.05 of this chapter, the  
15 sentence shall reflect a class C felony;

16 (c) For offenses committed under section 120.10 of this chapter, the  
17 sentence shall reflect a class A felony;

18 (d) For offenses committed under section 120.13 of this chapter, the  
19 sentence shall reflect a class D felony;

20 (e) For offenses committed under section 120.14 of this chapter, the  
21 sentence shall reflect a class E felony;

22 (f) For offenses committed under section 120.15 of this chapter, the  
23 sentence shall reflect a class A misdemeanor;

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

LBD01575-01-9

1     (g) For offenses committed under section 120.20 of this chapter, the  
2     sentence shall reflect a class E felony;

3     (h) For offenses committed under section 120.25 of this chapter, the  
4     sentence shall reflect a class C felony;

5     (i) For offenses committed under section 120.45 of this chapter, the  
6     sentence shall reflect a class A misdemeanor;

7     (j) For offenses committed under section 120.50 of this chapter, the  
8     sentence shall reflect a class E felony;

9     (k) For offenses committed under section 120.55 of this chapter, the  
10    sentence shall reflect a class D felony;

11    (l) For offenses committed under section 120.60 of this chapter, the  
12    sentence shall reflect a class C felony;

13    (m) For offenses committed under section 121.11 of this chapter, the  
14    sentence shall reflect a class E felony;

15    (n) For offenses committed under section 121.12 of this chapter, the  
16    sentence shall reflect a class C felony;

17    (o) For offenses committed under section 121.13 of this chapter, the  
18    sentence shall reflect a class B felony;

19    (p) For offenses committed under section 130.25 of this chapter, the  
20    sentence shall reflect a class D felony;

21    (q) For offenses committed under section 130.30 of this chapter, the  
22    sentence shall reflect a class C felony;

23    (r) For offenses committed under section 130.35 of this chapter, the  
24    sentence shall reflect a class A felony;

25    (s) For offenses committed under section 130.40 of this chapter, the  
26    sentence shall reflect a class D felony;

27    (t) For offenses committed under section 130.45 of this chapter, the  
28    sentence shall reflect a class C felony;

29    (u) For offenses committed under section 130.50 of this chapter, the  
30    sentence shall reflect a class A felony;

31    (v) For offenses committed under section 130.55 of this chapter, the  
32    sentence shall reflect a class A misdemeanor;

33    (w) For offenses committed under section 130.60 of this chapter, the  
34    sentence shall reflect a class E felony;

35    (x) For offenses committed under section 130.65 of this chapter, the  
36    sentence shall reflect a class C felony;

37    (y) For offenses committed under section 130.65-a of this chapter, the  
38    sentence shall reflect a class D felony;

39    (z) For offenses committed under section 130.66 of this chapter, the  
40    sentence shall reflect a class C felony;

41    (aa) For offenses committed under section 130.67 of this chapter, the  
42    sentence shall reflect a class B felony;

43    (bb) For offenses committed under section 130.70 of this chapter, the  
44    sentence shall reflect a class A felony;

45    (cc) For offenses committed under section 135.05 of this chapter, the  
46    sentence shall reflect a class E felony;

47    (dd) For offenses committed under section 135.10 of this chapter, the  
48    sentence shall reflect a class D felony;

49    (ee) For offenses committed under section 135.20 of this chapter, the  
50    sentence shall reflect a class A felony;

51    (ff) For offenses committed under section 135.45 of this chapter, the  
52    sentence shall reflect a class E felony;

53    (gg) For offenses committed under section 135.50 of this chapter, the  
54    sentence shall reflect a class D felony.

55     § 2. This act shall take effect immediately.