

# STATE OF NEW YORK

4249

2019-2020 Regular Sessions

## IN ASSEMBLY

February 1, 2019

Introduced by M. of A. MONTESANO, RAIA, McDONOUGH, FRIEND, COLTON --  
Multi-Sponsored by -- M. of A. CROUCH, PALMESANO -- read once and  
referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sentences of imprisonment  
for class A felony drug offenders

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

1 Section 1. Paragraph (b) of subdivision 2 of section 70.71 of the  
2 penal law, as added by chapter 738 of the laws of 2004, is amended to  
3 read as follows:

4 (b) Authorized sentence. The court shall impose a determinate term of  
5 imprisonment which shall be imposed by the court in whole or half years  
6 and which shall include as a part thereof a period of post-release  
7 supervision in accordance with section 70.45 of this article. The terms  
8 authorized for such determinate sentences are as follows:

9 (i) for a class A-I felony, the term shall be at least [~~eight~~] ten  
10 years and shall not exceed [~~twenty~~] twenty-five years;

11 (ii) for a class A-II felony, the term shall be at least [~~three~~] five  
12 years and shall not exceed [~~ten~~] fifteen years.

13 § 2. Paragraph (b) of subdivision 3 of section 70.71 of the penal law,  
14 as added by chapter 738 of the laws of 2004, is amended to read as  
15 follows:

16 (b) Authorized sentence. When the court has found pursuant to the  
17 provisions of section 400.21 of the criminal procedure law that a  
18 defendant is a second felony drug offender who stands convicted of a  
19 class A felony as defined in article two hundred twenty or two hundred  
20 twenty-one of this chapter, the court shall impose a determinate  
21 sentence of imprisonment. Such determinate sentence shall include as a  
22 part thereof a period of post-release supervision in accordance with  
23 section 70.45 of this article. Such determinate sentence shall be  
24 imposed by the court in whole or half years as follows:

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

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1 (i) for a class A-I felony, the term shall be at least [~~twelve~~]  
2 fifteen years and shall not exceed [~~twenty-four~~] thirty years;

3 (ii) for a class A-II felony, the term shall be at least [~~six~~] ten  
4 years and shall not exceed [~~fourteen~~] twenty years.

5 § 3. Paragraph (b) of subdivision 4 of section 70.71 of the penal law,  
6 as added by chapter 738 of the laws of 2004, is amended to read as  
7 follows:

8 (b) Authorized sentence. When the court has found pursuant to the  
9 provisions of section 400.21 of the criminal procedure law that a  
10 defendant is a second felony drug offender whose prior felony conviction  
11 was a violent felony, who stands convicted of a class A felony as  
12 defined in article two hundred twenty or two hundred twenty-one of this  
13 chapter, the court shall impose a determinate sentence of imprisonment.  
14 Such determinate sentence shall include as a part thereof a period of  
15 post-release supervision in accordance with section 70.45 of this arti-  
16 cle. Such determinate sentence shall be imposed by the court in whole or  
17 half years as follows:

18 (i) for a class A-I felony, the term shall be at least [~~fifteen~~] twen-  
19 ty years and shall not exceed thirty years;

20 (ii) for a class A-II felony, the term shall be at least [~~eight~~] ten  
21 years and shall not exceed [~~seventeen~~] twenty years.

22 § 4. This act shall take effect on the first of November next succeed-  
23 ing the date on which it shall have become a law and shall apply to  
24 sentences issued on or after such date.