

# STATE OF NEW YORK

4472

2021-2022 Regular Sessions

## IN ASSEMBLY

February 4, 2021

Introduced by M. of A. COOK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to sentencing

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

1 Section 1. Subdivision 2 of section 60.02 of the penal law, as amended  
2 by chapter 471 of the laws of 1980, is amended to read as follows:

3 (2) If the sentence is to be imposed upon a youthful offender finding  
4 which has been substituted for a conviction for any felony, the court  
5 must impose a sentence authorized to be imposed upon a person convicted  
6 of a class E felony [~~provided, however, that the court must not impose a~~  
7 ~~sentence of conditional discharge or unconditional discharge if the~~  
8 ~~youthful offender finding was substituted for a conviction of a felony~~  
9 ~~defined in article two hundred twenty of this chapter], as hereinafter  
10 provided:~~

11 (a) If the youthful offender finding was substituted for a conviction  
12 of a felony defined in article two hundred twenty or two hundred twen-  
13 ty-one of this chapter, then the sentence shall be as authorized by  
14 section 60.04 of this article for a class E felony, and if a determinate  
15 sentence of imprisonment is imposed, the corresponding period of post-  
16 release supervision provided for that class E felony by section 70.45 of  
17 this title shall also be imposed.

18 (b) If the youthful offender finding was substituted for a conviction  
19 of any other felony, then the sentence shall be as authorized by section  
20 60.01 of this article for a sentence upon a conviction of a class E  
21 felony offense; provided, however, that if the youthful offender finding  
22 was substituted for a conviction of a violent felony offense as defined  
23 in section 70.02 of this title or a felony sex offense as defined in  
24 paragraph (a) of subdivision one of section 70.80 of this title and a  
25 sentence of imprisonment in excess of one year is imposed to be served  
26 in a facility of the state department of corrections and community

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

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1 supervision is imposed, the sentence shall be the determinate sentence  
2 of imprisonment authorized for such class E violent felony offense or  
3 felony sex offense, and the corresponding period of post-release super-  
4 vision provided for such class E felony by section 70.45 of this title.

5 § 2. This act shall take effect immediately; provided, however, that  
6 this act shall apply to offenses committed on or after such effective  
7 date.