

STATE OF NEW YORK

3841

2021-2022 Regular Sessions

IN SENATE

January 31, 2021

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:

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

3 2. When more than one sentence of imprisonment is imposed on a person
4 for two or more offenses committed through a single act or omission, or
5 through an act or omission which in itself constituted one of the
6 offenses and also was a material element of the other, the sentences,
7 except if one or more of such sentences is for a violation of section
8 270.20 of this chapter, must run concurrently. Provided however that a
9 sentence may run consecutively if (a) the person was under supervised
10 release, conditional release, probation, or parole at the time of the
11 act; and (b) there were multiple victims who each sustained serious
12 physical injury or death; and (c) if one or more of such sentences is
13 for a conviction under article one hundred twenty-five of this chapter.

14 § 2. This act shall take effect on the first of November next succeed-
15 ing 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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