

STATE OF NEW YORK

4239

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

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.

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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.