STATE OF NEW YORK

5259

2021-2022 Regular Sessions

IN ASSEMBLY

February 12, 2021

Introduced by M. of A. ABINANTI -- 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:

Section 1. Subdivision 2 of section 70.10 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a persistent felony offender, and when it is of the opinion that the history and character of the defendant and the nature and circumstances of his **or her** criminal conduct indicate that extended incarceration and life-time supervision will best serve the public interest, the court, in lieu of imposing the sentence of imprisonment authorized by section 70.00, 70.02, 70.04, 70.06 or subdivision five of section 70.80 **of this article** for the crime of which such person presently stands convicted, may impose [~~the sentence of imprisonment authorized by that section for a class A-I felony~~] **an indeterminate sentence of imprisonment. The maximum term of the indeterminate sentence of imprisonment shall be life imprisonment, and the minimum period of imprisonment of the indeterminate sentence shall be fixed by the court at not less than fifteen years nor more than twenty-five years**. In such event the reasons for the court's opinion shall be set forth in the record.

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

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

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