

# STATE OF NEW YORK

9091

## IN ASSEMBLY

January 31, 2022

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

AN ACT to amend the penal law, in relation to sentence of imprisonment for the offense of predatory sexual assault against a child

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

1 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of  
2 section 70.00 of the penal law, as amended by chapter 107 of the laws of  
3 2006, is amended to read as follows:

4 (ii) For a class A-II felony, such minimum period shall not be less  
5 than three years nor more than eight years four months, except that for  
6 the class A-II felony of predatory sexual assault as defined in section  
7 130.95 of this chapter [~~or the class A-II felony of predatory sexual~~  
8 ~~assault against a child as defined in section 130.96 of this chapter,~~]  
9 such minimum period shall be not less than ten years nor more than twenty-  
10 five years and for the class A-II felony of predatory sexual assault  
11 against a child as defined in section 130.96 of this chapter such mini-  
12 imum period shall be not less than twenty-five years and the maximum term  
13 shall be life imprisonment.

14 § 2. Paragraph (a) of subdivision 4 of section 70.06 of the penal law,  
15 as amended by chapter 107 of the laws of 2006, is amended to read as  
16 follows:

17 (a) The minimum period of imprisonment for a second felony offender  
18 convicted of a class A-II felony must be fixed by the court at no less  
19 than six years and not to exceed twelve and one-half years and must be  
20 specified in the sentence, except that for the class A-II felony of  
21 predatory sexual assault as defined in section 130.95 of this chapter  
22 [~~or the class A-II felony of predatory sexual assault against a child as~~  
23 ~~defined in section 130.96 of this chapter,~~] such minimum period shall be  
24 not less than ten years nor more than twenty-five years and for the  
25 class A-II felony of predatory sexual assault against a child as defined  
26 in section 130.96 of this chapter such minimum period shall be not less  
27 than twenty-five years and the maximum term shall be life imprisonment.

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

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1     § 3. Subdivision 1 of section 70.40 of the penal law is amended by  
2 adding a new paragraph (d) to read as follows:

3     (d) A person who has been paroled after serving a sentence of impri-  
4 sonment for the crime of predatory sexual assault against a child as  
5 defined in section 130.96 of this chapter shall be under the supervision  
6 of the state board of parole for the duration of their lifetime.

7     § 4. This act shall take effect on the first of November next succeed-  
8 ing the date on which it shall have become a law.