STATE OF NEW YORK

3840

2021-2022 Regular Sessions

IN SENATE

January 31, 2021

Introduced by Sens. SERINO, AKSHAR, GALLIVAN -- 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:

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

2. When more than one sentence of imprisonment is imposed on a person for two or more offenses committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the sentences, except if one or more of such sentences is for a violation of section 270.20 of this chapter, must run concurrently. **Consecutive sentencing may be applied when a defendant is found guilty of two or more felony counts, including but not limited to previous felony convictions of article one hundred thirty of this chapter or section 230.34 of this chapter, except consecutive sentencing shall be applied when a defendant is found guilty, or has been previously convicted, of two or more counts of article two hundred sixty-three of this chapter or section 130.75, 130.80, 130.95, or 130.96 of this chapter.**

§ 2. This act shall take effect on the first of November next succeeding 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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