STATE OF NEW YORK

1317

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

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

AN ACT to amend the penal law and the criminal procedure law, in relation to second felony drug offenders; and to repeal subdivision 4 of section 70.70 of the penal law relating thereto

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

Section 1. Paragraph (a) of subdivision 3 of section 70.70 of the penal law, as amended by section 23 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

(a) Applicability. This subdivision shall apply to a second felony drug offender [~~whose prior felony conviction was not a violent felony~~].

§ 2. Subdivision 4 of section 70.70 of the penal law is REPEALED.

§ 3. Paragraph (a) of subdivision 1 of section 216.00 of the criminal procedure law, as added by section 4 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

(a) within the preceding ten years, excluding any time during which the offender was incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony, has previously been convicted of[~~: (i) a violent felony offense as defined in section 70.02 of the penal law or (ii) any other offense for which a merit time allowance is not available pursuant to subparagraph (ii) of paragraph (d) of subdivision one of section eight hundred three of the correction law, or (iii)~~] a class A felony offense [~~defined in article two hundred twenty of the penal law~~]; or

§ 4. This act shall take effect immediately and shall apply to cases where a sentence upon a conviction is imposed 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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