

STATE OF NEW YORK

4766

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. MCGOWAN -- 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-five years
10 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

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

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1 in section 130.96 of this chapter such minimum period shall be not less
2 than twenty-five years and the maximum term shall be life imprisonment.

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

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

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