

# STATE OF NEW YORK

301

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. SALAZAR, BRISPORT, JACKSON -- read twice and ordered printed, and when printed to be committed 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:

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

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

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 Subdivision 4 of section 70.70 of the penal law is REPEALED.

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

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

19 § 4. This act shall take effect immediately and shall apply to cases  
20 where a sentence upon a conviction is imposed on or after such effective  
21 date.

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

LBD00510-01-3