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:

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

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

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

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

LBD08306-01-3

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

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

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

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.