STATE OF NEW YORK

862

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. ORTT -- 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 sentences of intermittent imprisonment for sexual offenses

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

Section 1. Subdivision 2 of section 85.00 of the penal law, as added by chapter 477 of the laws of 1970, paragraph (a) as amended by chapter 277 of the laws of 1973, is amended to read as follows:

2. Authorization for use of sentence. The court may impose a sentence of intermittent imprisonment in any case where:

(a) the court is imposing sentence, upon a person other than a second or persistent felony offender, for a class D or class E felony or for any offense that is not a felony; [~~and~~]

(b) the court is not imposing any other sentence of imprisonment upon the defendant at the same time; [~~and~~]

(c) the defendant is not under any other sentence of imprisonment with a term in excess of fifteen days imposed by any other court; and

(d) the court is not imposing a sentence for a sex offense pursuant to article one hundred thirty 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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