§ 380.30 Time for pronouncing sentence.

1. In general. Sentence must be pronounced without unreasonable delay.

2. Court to fix time. Upon entering a conviction the court must:

(a) Fix a date for pronouncing sentence; or

(b) Fix a date for one of the pre-sentence proceedings specified in article four hundred; or

(c) Pronounce sentence on the date the conviction is entered in accordance with the provisions of subdivision three.

* 2. Court to fix time. Upon entering a conviction the court must:

(a) Fix a date for pronouncing sentence; or

(b) Fix a date for one of the pre-sentence proceedings specified in article four hundred; or

(c) Issue an order deferring sentencing in accordance with the provisions of subdivision three of this section; or

(d) Pronounce sentence on the date the conviction is entered in accordance with the provisions of subdivision three.

* NB Expired March 31, 1994

3. Sentence on date of conviction. The court may sentence the defendant at the time the conviction is entered if:

(a) A pre-sentence report or a fingerprint report is not required; or

(b) Where any such report is required, the report has been received.

Provided, however, that the court may not pronounce sentence at such time without inquiring as to whether an adjournment is desired by the defendant. Where an adjournment is requested, the defendant must state the purpose thereof and the court may, in its discretion, allow a reasonable time.

* 3. Deferral of sentencing. The court may defer sentencing of any offender convicted of a class C, D, or E felony offense under articles two hundred twenty and two hundred twenty-one of the penal law or any class D or E felony offense under articles one hundred fifteen, one hundred forty, one hundred forty-five, one hundred fifty-five, one hundred sixty-five, one hundred seventy and one hundred ninety of the penal law, to a specified date no later than twelve months from the

entering of a conviction if:

(a) The defendant stands convicted of his or her first felony offense; and

(b) Pursuant to a plea agreement or the recommendation contained in the pre-sentence report the judge is inclined to impose an indeterminate term of imprisonment; and

(c) The court believes that prompt institutional confinement is not necessary to preserve the safety and security of society, that the individual may benefit from the rehabilitative opportunities presented by the deferral of sentencing, that absent such a rehabilitative opportunity there is a likelihood that the court would impose an indeterminate sentence of imprisonment, and that upon satisfactory completion of the period of deferral the court would be more likely to impose a sentence other than an indeterminate sentence of imprisonment under article seventy of the penal law.

In conjunction with a deferral of sentencing the court may require that the defendant observe specified conditions of conduct and participate in such rehabilitative programs as the court deems appropriate. Upon application of the people made at any time during the period of sentence deferral, or where the court believes that the defendant may have violated the terms or conditions of the deferral order, and the court determines that such a violation occurred, the court may terminate the deferral order and set a date for sentencing.

Nothing contained in this subdivision shall limit the sentencing options which were available to the court prior to the issuance of an order pursuant to paragraph (c) of subdivision two of this section.
* NB Expired March 31, 1994

4. Time for pre-sentence proceedings. The court may conduct one or more of the pre-sentence proceedings specified in article four hundred at any time before sentence is pronounced. Notice of any such proceeding issued after the date for pronouncing sentence has been fixed automatically adjourns the date for pronouncing sentence. In such case the court must fix a date for pronouncing sentence at the conclusion of such proceeding.