§ 60.08 Authorized dispositions; resentencing of certain controlled substance offenders.

Any person convicted of an offense and sentenced to prison for an indeterminate sentence, the minimum of which was at least one year and the maximum of which was life imprisonment, which sentence was imposed pursuant to chapter two hundred seventy-six, two hundred seventy-seven, two hundred seventy-eight, or ten hundred fifty-one of the laws of nineteen hundred seventy-three, and for which such sentence was imposed upon conviction of the crime of criminal possession of a controlled substance in the first degree, criminal possession of a controlled substance in the second degree, criminal possession of a controlled substance in the third degree, criminal sale of a controlled substance in the first degree, criminal sale of a controlled substance in the second degree, or criminal sale of a controlled substance in the third degree, and the sole controlled substance involved was methadone, may apply, upon notice to the appropriate district attorney, for resentencing in the court which originally imposed sentence.

Such resentencing shall, unless substantial justice dictates otherwise, be pursuant to the current provisions of the penal law, and shall include credit for any jail time incurred upon the subject conviction as well as credit for any period of incarceration incurred pursuant to the sentence originally imposed.

In cases where the proof before the court is not available or is not sufficiently reliable to determine the amount of methadone present in any preparation, compound, mixture or substance containing methadone, there shall exist a rebuttable presumption that each ounce of the preparation, compound, mixture or substance contained sixty milligrams of methadone.