§ 60.09 Authorized dispositions; resentencing of certain persons convicted of specified controlled substance offenses.

a. Any person convicted of an offense as defined in section 115.05, 220.16, 220.18, 220.39 or 220.41 of this chapter or of an attempt thereof, for an act committed on or after September first, nineteen hundred seventy-three but prior to the date on which the provisions of this section become effective, may, upon notice to the appropriate district attorney, apply for resentencing in the court which originally imposed sentence. Such resentencing shall be in accordance with the provisions of subdivision (b) of this section 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.

b. A court, upon an application specified in subdivision (a) of this section may resentence a person as follows:

(i) if the conviction was for a class A-III offense the court may impose a new maximum term which shall be no less than three times the amount of the minimum term imposed in the original sentence and no more than twenty-five years;

(ii) if the conviction was for a class A-II offense the court may impose a new minimum term which shall be no less than three years imprisonment and no more than eight and one-third years;

(iii) upon resentence of a person as specified in paragraph (i) of this subdivision the court shall resentence the person to the same minimum term previously imposed;

(iv) upon resentence of a person as specified in paragraph (ii) of this subdivision the court shall impose a maximum term of life imprisonment;

(v) if the conviction was for an offense as specified in section 115.05 of this chapter and the offense which was the object of the criminal facilitation was a class A-III felony then the court shall set aside the conviction and substitute it with a conviction for violation of section 115.01 or 115.00 of this chapter, whichever is appropriate under the facts of the case, and impose a sentence in accordance with those provisions.

c. Upon resentence as provided in this section the court may not impose a sentence greater than the sentence previously imposed.