

CRIMINAL SENTENCING.

PROBATION:

P.L. 220 [substance abuse] Class AII felony:	Lifetime (can terminate only after 5 years unrevoked).
2 nd Class B drug felony (with no prior violent felony convictions):	Lifetime.
Class B drug felony:	25 years.
Felony Sex Assault (including Attempts):	10.
Felony:	5.
Class A Misdemeanor Sex Assault:	6.
Class A Misdemeanor:	3.
Class B Misdemeanor Public Lewdness:	> 1 year, < 3 years.
Class B Misdemeanor:	1 year.
Unclassified Misdemeanor with authorized sentence > 3 months:	3.
Unclassified Misdemeanor with authorized sentence < 3 months:	1.

CONDITIONAL DISCHARGE:

Felony:	3 years.
Misdemeanor/Violation:	1 year.
Additional Term on failure to pay conditioned restitution:	2 years.

FELONY PRISON SENTENCES:

CLASS AI (unless death sentence authorized):

	MINIMUM	MAXIMUM
P.L.220 [substance abuse]:	8 years.	20 years.
2 nd drug felony, with no prior violent felony conviction:	12.	24.
2 nd drug felony, <i>with</i> violent felony conviction:	15.	30.
Non-220:	15-25	LIFE
Murder 1:	20-25	LIFE
MAY for Murder 1 of police/peace officer:	LIFE	LIFE
Aggravated Murder of police/peace officer:	LIFE	LIFE
Murder 2 committed during rape:	LIFE	LIFE
Terrorism, or Possess/Use Chemical/Biological Weapon:	LIFE	LIFE
Juvenile Offender Murder 2:	5-9	LIFE

Juvenile Offender Murder 2 Intentional or Depraved (if defendant committed same while 14-15 years old):	7&1/2 - 15	LIFE
Juvenile Offender Arson 1, Kidnap 1:	4-6	12-15

*** Court MAY in certain circumstances sentence Persistent Felony Offender as Class AI ***

CLASS AII:

	MINIMUM	MAXIMUM
P.L. 220:	3	10
Non-220:	3 years - 8 years & 4months	LIFE
2 nd drug felony, with no prior violent:	6	14
2 nd Felony Offender:	6 - 12 & 1/2	LIFE
2 nd drug felony, <i>with</i> prior violent conviction:	8	17
Predatory Sex Assault:	10-25	LIFE
2 nd Child Sex Assault with AII/B/C predicate conviction:	15-20	LIFE
Attempted Murder 1 or Attempted Aggravated Murder of police/peace officer (if defendant was then over 18):	20-40	LIFE

Predatory Sex Assault sentenced as Persistent Felony Offender:	25	LIFE
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CLASS B:

	MINIMUM	MAXIMUM
Non-220/221:	1 year - 1/3rd sentence	3 - 25
Juvenile Offender	1/3rd sentence	3 - 10
Drug felony	1	9
Criminal Sale of Controlled Substance on school grounds/bus:	2	9
2 nd drug offender, with no prior violent convictions:	3 & 1/2	12
2 nd drug offender <i>with</i> violent conviction:	6	15
Violent	5	25
Violent Felony, sentenced as 2 nd felony offender:	8	25
2 nd Violent	10	25
2 nd Felony	1/2 sentence	9 -25
2 nd Child Sex Assault with D/E predicate:	12	30
2 nd Child Sex Assault with AII/B/C predicate:	15-20	LIFE
Persistent Violent Felony Offender:	20	25

CLASS C:

	MINIMUM	MAXIMUM
Drug Felony:	1	5 & 1/2
2 nd drug felony, with no prior violent felony convictions:	2	8
2 nd drug felony <i>with</i> prior violent:	3 & 1/2	9
Non-220/221 felony:	1 year - 1/3rd sentence	3 - 15
Violent felony:	3 & 1/2	15
Violent felony, being sentenced as 2 nd felony offender:	5	15
2 nd felony:	1/2 sentence	6 -15
Juvenile Offender	1/2 sentence	3 - 7
2 nd violent:	10	25
2 nd Child Assault with D/E predicate:	10	25
2 nd Child Assault with AII/B/C predicate:	12	30
Persistent Violent Felony Offender:	16	25

*** 2nd Child Sex Assault with AII/B/C Predicate:
Court MAY in certain circumstances set minimum sentence 15 - 25, maximum: LIFE. ***

CLASS D:

	MINIMUM	MAXIMUM
Drug felony:	1	2 & 1/2
2 nd drug felony, with no violent convictions:	1 & 1/2	4
2 nd drug felony <i>with</i> prior violent:	2 & 1/2	4 & 1/2
Juvenile Offender	1/3rd sentence	3 - 4
Non-220/221:	1 year - 1/3rd sentence	3 - 7
Violent (<i>if</i> prison):	2	7
Violent felony = Menacing police/peace officer (<i>must</i> prison):	2	8
2 nd Felony Offender:	1/2 sentence	4 - 7
Violent felony being sentenced as 2 nd felony offender:	3	7
2 nd Violent Felony:	5	7
2 nd Child Sex Assault	5	15
Persistent Violent Felony Offender:	5 - 15	LIFE

*** Class D/E felonies (also Class C, only for drugs) by non-persistent offender:
 Court may in certain circumstances sentence to Definite term < 1 year. ***

CLASS E:

	MINIMUM	MAXIMUM
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Drug Felony:	1	1 & 1/2
2 nd Drug Felony, with no prior violent convictions:	1 & 1/2	2
2 nd Drug Felony, <i>with</i> prior violent:	2	2 & 1/2
Non-220/221:	1 year - 1/3rd sentence	3 - 4
2 nd Felony:	1/2 sentence	3 - 4
Aggravated Harassment by inmate of police/peace officer or corrections employee, being sentenced as 2 nd Felony:	1/2 sentence	3 - 5
Violent Felony:	1 & 1/2 years	4
Violent felony being sentenced as 2 nd Felony Offender:	2	4
2 nd Violent:	3	4
2 nd Child Sex Assault	4	12

POST-RELEASE SUPERVISION TERMS FOR DETERMINATE SENTENCES:

Class D/E Drug Felony:	1 year.
Class B/C Drug Felony:	1 - 2.
2 nd Drug Felony Class D/E:	1 - 2
2 nd Drug Felony, Class B/C:	1 & 1/2 - 3

Class D/E Violent:	1 & 1/2 - 3
Class B/C Violent:	2 & 1/2 - 5
All other determinate sentences:	5 years.

NON-FELONY OFFENSE PRISON SENTENCES:

Class A Misdemeanor:	up to 1 year.
Class A Misdemeanor Criminal Possession of Weapon 4, pled to satisfy D violent:	no less than 1 year (unless no Class A misdemeanor nor any felony convictions within past 5 years, then may make other sentence).
Class B Misdemeanor:	up to 3 months.
Violation.	up to 15 days (unless non-P.L. statute mandates only fine).
Unclassified Misdemeanor:	Specified by statute.

FINES:

NON-CORPORATE:

P.L. 220/221 Class AI Drug Felony:	Greater of \$100k or 2x crime gain.
Class AII Drug Felony:	Greater of \$50k or 2x crime gain.
Class B Drug Felony:	Greater of \$30k or 2x crime gain.
Class C Drug Felony:	Greater of \$15k or 2x crime gain.
Vehicle & Traffic Felony:	by statute.

Other Felony:	Greater of \$5k or 2x crime gain.
Class A Misdemeanor:	up to \$1,000
Class B Misdemeanor:	up to \$500
Violation	up to \$250 (except if not P.L., then by authorizing statute).
Unclassified Misdemeanor:	by statute.

*** Class A Misdemeanor: Unlawful Disposition of Forfeited Assets may be 2x crime gain, if greater.
 Violation of Environmental Conservation Law by allowing taking of non-native big game mammals for fee may be 2x crime gain, if greater, up to maximum of \$5k. ***

PENAL LAW CORPORATE FINES (or of other statutes where not specified therein):

Felony:	\$10k
Class A Misdemeanor:	\$5k
Unclassified Misdemeanor, with allowable prison sentence > 3 months:	\$5k
Unclassified Misdemeanor, with allowable prison sentence > 3 months:	\$2k
Class B Misdemeanor:	\$2k
Violation:	\$500

*** NON-P.L. Corporate fines are limited by authorizing statute, or 2x gain, whichever greater. ***

*** ALL convictions (EXCEPT: VTL): where more than one crime be resultant of the same act - or share materially related elements - if fine or prison is ordered for any offense, Court can NOT fine any other offense! ***