

2009 Rockefeller Drug Law Reform Sentencing Chart⁶

Class Felony	Determinate Sentence Term	Post-Release Supervision	Probation Permitted	Alternative Definite Sentence Permitted	Y.O. Permitted	Parole Supervision Sentence	Shock Permitted ⁴	Judicially Ordered Shock	CASAT Sentence Permitted	Judicial Diversion ^{5, 8}
A-I First Offense	8 - 20	5	No	No	No	No	No	No	Yes	No
A-I Major Trafficker	15/25-Life ⁹	5 ⁹	No	No	No	No	No	No	Yes	No
A-I Prior Non-Violent	12 - 24	5	No	No	No	No	No	No	Yes	No
A-I Prior Violent	15 - 30	5	No	No	No	No	No	No	Yes	No
A-II First Offense	3 - 10	5	Yes/life ¹	No	No	No	Yes	Yes ³	Yes	No
A-II Prior Non-Violent	6 - 14	5	Yes/life ¹	No	No	No	Yes	Yes ³	Yes	No
A-II Prior Violent	8 - 17	5	No	No	No	No	Yes	Yes ³	Yes	No
B First Offense	1 - 9	1 - 2	Yes/5	Yes 1 yr. or less	Yes	Yes ²	Yes	Yes ³	Yes	Yes ⁵
B Sale Near School	2 - 9	1 - 2	Yes/5	Yes 1 yr. or less	Yes	Yes ²	Yes	Yes ³	Yes	Yes ⁵
B Sale to a Child	2 - 9	1 - 2	Yes/25 ¹	No	NA	No	Yes	Yes ³	Yes	Yes ⁵
B Prior Non-Violent	2 - 12	1 ½ - 3	Yes/life ¹	No	No	No	Yes	Yes ³	Yes ⁷	Yes ⁵
B Prior Violent	6 - 15	1 ½ - 3	No	No	No	No	No	No	Yes ⁷	No
C First Offense	1 - 5 ½	1 - 2	Yes/5	Yes 1 yr. or less	Yes	No	Yes	Yes ³	Yes	Yes ⁵
C Prior Non-Violent	1 ½ - 8	1 ½ - 3	Yes/5	Yes 1 yr. or less	No	Yes ²	Yes	Yes ³	Yes	Yes ⁵
C Prior Violent	3 ½ - 9	1 ½ - 3	No	No	No	No	Yes	Yes ³	Yes	No
D First Offense	1 - 2 ½	1	Yes/5	Yes 1 yr. or less	Yes	No	Yes	Yes ³	Yes	Yes ⁵
D Prior Non-Violent	1 ½ - 4	1 - 2	Yes/5	Yes 1 yr. or less	No	Yes ²	Yes	Yes ³	Yes	Yes ⁵
D Prior Violent	2 ½ - 4 ½	1 - 2	No	No	No	No	Yes	Yes ³	Yes	No
E First Offense	1 - 1 ½	1	Yes/5	Yes 1 yr. or less	Yes	No	Yes	Yes ³	Yes	Yes ⁵
E Prior Non-Violent	1 ½ - 2	1 - 2	Yes/5	Yes 1 yr. or less	No	Yes ²	Yes	Yes ³	Yes	Yes ⁵
E Prior Violent	2 - 2 ½	1 - 2	No	No	No	No	Yes	Yes ³	Yes	No

¹ Requires recommendation of DA, material assistance in prosecution of drug offense, and court approval. (Penal Law §65.00(1)(b)).

² Excluded if convicted of another felony offense, prior violent felony, a class A or B non-drug or subject to an undischarged term. CPL §410.91 (2).

³ No prior state prison. Less than 50 yrs old. Must be within 3 years to parole or conditional release. Excludes crimes listed in (Corr.L. §865(1)). For terms of more than 3 years must wait for rolling admissions.

⁴ Same as ft. note 3. For terms of more than 3 years must wait for rolling admission. (Corr.L. §865(2)).

⁵ See CPL §216.00(1)(a) for exclusions, but D.A. may consent to include exclusions.

⁶ Effective 4/7/09.

⁷ Must serve 9 months jail or prison time to be eligible.

⁸ Judicial Diversion effective 10/7/09. Applies to crimes committed prior to Act not yet sentenced.

⁹ Alternative determinate sentence possible (8-20).

Center for Community Alternatives

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