

S. 1509--C

152

A. 2009--C

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PART MMM

2 Section 1. Paragraphs (d) and (e) of subdivision 1-a of section 70.15
 3 of the penal law, as added by section 2 of part 00 of a chapter of the
 4 laws of 2019 amending the penal law and the criminal procedure law
 5 relating to reducing certain sentences of imprisonment for misdemeanors
 6 to three hundred sixty-four days, as proposed in legislative bill
 7 numbers S.1505-C and A.2005-C, are amended to read as follows:

8 (d) Any sentence for a misdemeanor conviction imposed prior to the
 9 effective date of this subdivision that is other than a definite
 10 sentence of imprisonment of one year may be set aside, upon motion of
 11 the defendant under section 440.20 of the criminal procedure law based
 12 on a showing that the judgment and sentence under the law in effect at
 13 the time of conviction imposed prior to the effective date of this
 14 subdivision is likely to result in [~~severe~~] collateral consequences, in
 15 order to permit the court to resentence the defendant in accordance with
 16 the amendatory provisions of this subdivision.

17 (e) Resentence by operation of law is without prejudice to an individ-
 18 ual seeking further relief pursuant to paragraph [~~(f)~~] (j) of subdivi-
 19 sion one of section 440.10 of the criminal procedure law. Nothing in
 20 this section is intended to diminish or abrogate any rights or remedies
 21 otherwise available to the individual.

22 § 2. Paragraph (j) of subdivision 1 of section 440.10 of the criminal
 23 procedure law, as added by section 3 of part 00 of a chapter of the laws
 24 of 2019 amending the penal law and the criminal procedure law relating
 25 to reducing certain sentences of imprisonment for misdemeanors to three
 26 hundred sixty-four days, as proposed in legislative bill numbers
 27 S.1505-C and A.2005-C, is amended to read as follows:

28 (j) The judgment is a conviction for a class A or unclassified misde-
 29 meanor entered prior to the effective date of this paragraph and satis-
 30 fies the ground prescribed in paragraph (h) of this subdivision. There
 31 shall be a rebuttable presumption that a conviction by plea to such an
 32 offense was not knowing, voluntary and intelligent, based on [~~severe-or~~]
 33 ongoing collateral consequences, including potential or actual immi-
 34 gration consequences, and there shall be a rebuttable presumption that a
 35 conviction by verdict constitutes cruel and unusual punishment under
 36 section five of article one of the state constitution based on such
 37 consequences.

38 § 3. This act shall take effect on the same date and in the same
 39 manner as part 00 of a chapter of the laws of 2019 amending the penal
 40 law and the criminal procedure law relating to reducing certain
 41 sentences of imprisonment for misdemeanors to three hundred sixty-four
 42 days, as proposed in legislative bill numbers S.1505-C and A.2005-C,
 43 takes effect.

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PART NNN

45 Section 1. Section 13 of part A of chapter 97 of the laws of 2011,
 46 amending the general municipal law and the education law relating to
 47 establishing limits upon school district and local government tax
 48 levies, as amended by section 18 of part A of chapter 20 of the laws of
 49 2015, is amended to read as follows:

50 § 13. This act shall take effect immediately[~~;~~ ~~provided, however, that~~
 51 ~~sections two through eleven of this act shall take effect July 1, 2011~~
 52 ~~and shall first apply to school district budgets and the budget adoption~~
 53 ~~process for the 2012-13 school year; and shall continue to apply to~~