



NEW YORK STATE SENATOR

Dale M. Volker

Senator Volker Announces Sentencing Fix to the “Drug Dealer Protection Act” (Aka... the Rockefeller Drug Law Reform)

DALE M. VOLKER November 13, 2009

(Depew, NY) Senator Dale M. Volker (R-C-I-, Depew) today announced that the State Senate passed legislation that will fix a sentencing loophole in the lenient Rockefeller Drug Law Reforms recently passed by the Senate Democrats and enacted into law by Governor Paterson.

“When the Rockefeller Drug Law Reform legislation came to the floor of the State Senate for debate, I mentioned that the bill was poorly drafted and could allow felony offenders to get out early because a flaw in the bill language,” said Senator Dale M. Volker. “Unfortunately, I was right. However, I congratulate the Governor for putting forward this bill so that felony offenders who should not be receiving credit for time served and allowing them to hit the streets before they have fulfilled their sentence.”

The legislation passed by the State Senate will mandate that a prison sentence imposed on a person convicted of an A-1 felony will run consecutively to his/her previous imposed, undischarged prison sentence. This would prevent convicts from receiving credit for time served on the previously imposed sentences and stop them from utilizing an existing loophole in order to get out of prison early.

“What is troubling is that this language was inserted into the “Rockefeller Drug Law reform” bill and allowed credit for time served for those convicted of non-drug A-1 felonies such as Murder 2nd, Arson 1st, Kidnapping 1st, Conspiracy 1st, and second degree child sexual assault felony offenders. This has led to certain heinous offenders to receive credit for time served on previous convictions and have led to some being released to our communities.”