

2009 NEW YORK DRUG SENTENCING GUIDE

Factor	Felony	Determinate Term	Post-Release Supervision	Parole Supervision	Alternative Definite Sentence	Alternative Probation	Shock	Judge-Ordered Shock	CASAT	Judicial Diversion	YO
Major Trafficker	A-I	15/25 - Life or 8 - 20	5						✓		
Sale to Child	B	2 - 9	1 - 2			25 years	✓	✓	✓	✓	
Sale Near School	B	2 - 9	1 - 2	✓	1 yr or less	5 years	✓	✓	✓	✓	✓
Prior Violent	A-I	15 - 30	5						✓		
	A-II	8 - 17	5				✓		✓		
	B	6 - 15	1½ - 3						after 9 months		
	C	3½ - 9	1½ - 3				✓	✓	✓		
	D	2½ - 4½	1 - 2				✓	✓	✓		
	E	2 - 2½	1 - 2				✓	✓	✓		
Prior Nonviolent	A-I	12 - 24	5						✓		
	A-II	6 - 14	5			Lifetime	✓		✓		
	B	2 - 12	1½ - 3			Lifetime	✓	✓	after 9 months	✓	
	C	1½ - 8	1½ - 3	✓	1 yr or less	5 years	✓	✓	✓	✓	
	D	1½ - 4	1 - 2	✓	1 yr or less	5 years	✓	✓	✓	✓	
	E	1½ - 2	1 - 2	✓	1 yr or less	5 years	✓	✓	✓	✓	
First Offense	A-I	8 - 20	5						✓		
	A-II	3 - 10	5			Lifetime	✓	✓	✓		
	B	1 - 9	1 - 2	✓	1 yr or less	5 years	✓	✓	✓	✓	✓
	C	1 - 5½	1 - 2		1 yr or less	5 years	✓	✓	✓	✓	✓
	D	1 - 2½	1		1 yr or less	5 years	✓	✓	✓	✓	✓
	E	1 - 1½	1		1 yr or less	5 years	✓	✓	✓	✓	✓

Judicially-ordered shock is only available if found to be eligible, a determination only made at reception. Must be under 50, with no prior state prison, and fewer than 3 years to parole or conditional release. Certain crimes excluded [see Corrections Law § 865(1)].

Lifetime probation is only available with material assistance in the prosecution of a drug case, the DA's recommendation, and court approval.

Parole supervision is not allowed if convicted of another felony, a prior violent felony, a non-drug Class A or B felony, or if still subject to an undischarged term.