

New York Drug Sentencing Chart

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NY Criminal Defense Attorneys since 1898.
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A Drug Felony AI - First Offense

Sentencing Guidelines:	8-20 years in prison plus 5 years Post Release Supervision
Eligible for Parole in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Shock Incarceration:	No
Eligible for Judicially Ordered Shock Incarceration:	No
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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A Drug Felony AI With Prior Non-Violent Offense

Sentencing Guidelines:	12-24 years in prison plus 5 years Post Release Supervision
Eligible for Parole in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Shock Incarceration:	No
Eligible for Judicially Ordered Shock Incarceration:	No
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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A Drug Felony AI With Prior Violent Offense

Sentencing Guidelines:	15-30 years in prison plus 5 years Post Release Supervision
Eligible for Parole in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Shock Incarceration:	No
Eligible for Judicially Ordered Shock Incarceration:	No
CASAT Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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A Drug Felony All - First Offense

Sentencing Guidelines:	3-10 years in prison plus 5 years Post Release Supervision
Eligible for Parole in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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A Drug Felony All With Prior Non-Violent Offense

Sentencing Guidelines:	6-14 years in prison plus 5 years Post Release Supervision
Eligible for Parole in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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A Drug Felony All With Prior Violent Offense

Sentencing Guidelines:	8-17 years in prison plus 5 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Lifetime Probation.
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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B Drug Felony - First Offense

Sentencing Guidelines:	1-9 years in prison plus 1-2 years Post Release Supervision
if School Grounds or Sale to a Child:	2-9 years in prison plus 1-2 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	1 year or less is permitted except when including Sale to a Child)
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	Yes
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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B Drug Felony With Prior Non-Violent Offense

Sentencing Guidelines:	2-12 years in prison plus 1.5-3 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	Yes
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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B Drug Felony With Prior Violent Offense

Sentencing Guidelines:	6-15 years in prison plus 1.5-3 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	Yes
Eligible for Shock Incarceration:	No
Eligible for Judicially Ordered Shock Incarceration:	No
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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C Felony - First Offense

Sentencing Guidelines:	1-5.5 years in prison plus 1-2 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	1 year or less is permitted.
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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C Drug Felony With Prior Non-Violent Offense

Sentencing Guidelines:	1.5-8 years in prison plus 1.5-3 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	1 year or less is permitted
Youthful Offender Adjudication Permitted:	No
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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C Drug Felony With Prior Violent Offense

Sentencing Guidelines:	3.5-9 years in prison plus 1.5-3 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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D Felony - First Offense

Sentencing Guidelines:	1-2.5 years in prison plus 1 year Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	1 year or less is permitted
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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D Drug Felony With Prior Non-Violent Offense

Sentencing Guidelines:	1.5-4 years in prison plus 1-2 year Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	1 year or less is permitted.
Youthful Offender Adjudication Permitted:	No
Eligible for Parole as Alternative to Time Served:	Yes
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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D Drug Felony With Prior Violent-Offense

Sentencing Guidelines:	2.5-4.5 years in prison plus 1 year Post Release Supervision
Eligible for Probation in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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E Drug Felony - First Offense

Sentencing Guidelines:	1-1.5 years in prison plus 1 year Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	Yes
Youthful Offender Adjudication Permitted:	Yes
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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E Felony With Prior Non-Violent Offense

E Prior Non-Violent Offense

Sentencing Guidelines:	1.5-2 years in prison plus 1-2 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	Yes
Alternative Definite Sentence Permitted:	1 year permitted.
Youthful Offender Adjudication Permitted:	No
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	Yes

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E Drug Felony With Prior Violent Offense

Sentencing Guidelines:	2-2.5 years in prison plus 1-2 years Post Release Supervision
Eligible for Probation in Lieu of Time Served:	No
Alternative Definite Sentence Permitted:	No
Youthful Offender Adjudication Permitted:	No
Eligible for Parole as Alternative to Time Served:	No
Eligible for Shock Incarceration:	Yes
Eligible for Judicially Ordered Shock Incarceration:	Yes
CASAT (Drug Court) Sentence Permitted:	Yes
Eligible for Judicial Diversion:	No

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