

1414--A

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sens. SALAND, BALL, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the consideration of certain factors when determining the issuance of an order of recognizance or bail

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 2 of section 510.30 of the
2 criminal procedure law is relettered paragraph (c) and a new paragraph
3 (b) is added to read as follows:

4 (B) WHERE THE PRINCIPAL IS CHARGED WITH A CRIME OR CRIMES AGAINST A
5 MEMBER OR MEMBERS OF THE SAME FAMILY OR HOUSEHOLD AS THAT TERM IS
6 DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF THIS TITLE, THE COURT
7 MUST, ON THE BASIS OF AVAILABLE INFORMATION, CONSIDER AND TAKE INTO
8 ACCOUNT THE DANGER OF INTIMIDATION OR INJURY BY THE PRINCIPAL TO A
9 WITNESS IN THE CASE, INCLUDING THE FOLLOWING FACTORS:

10 (I) ANY HISTORY OF PRIOR ACTS OF VIOLENCE OR THREATS OF VIOLENCE
11 AGAINST A WITNESS IN THE PENDING CRIMINAL ACTION; AND

12 (II) ANY ORDER OF PROTECTION ISSUED BY ANY COURT AGAINST THE PRINCIPAL
13 FOR THE PROTECTION OF A MEMBER OR MEMBERS OF THE SAME FAMILY OR HOUSE-
14 HOLD AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF
15 THIS TITLE, WHETHER OR NOT SUCH ORDER IS CURRENTLY IN EFFECT; AND

16 (III) ANY PRIOR ARREST OR CONVICTION FOR A CRIME OR VIOLATION AGAINST
17 A MEMBER OR MEMBERS OF THE SAME FAMILY OR HOUSEHOLD AS THAT TERM IS
18 DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF THIS TITLE; AND

19 (IV) ANY VIOLATION OF AN ORDER OF PROTECTION ISSUED BY ANY COURT
20 AGAINST THE PRINCIPAL FOR THE PROTECTION OF A MEMBER OR MEMBERS OF THE
21 SAME FAMILY OR HOUSEHOLD AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF
22 SECTION 530.11 OF THIS TITLE; AND

23 (V) THE PRINCIPAL'S HISTORY OF USE OR POSSESSION OF A FIREARM.

24 S 2. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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