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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring court review of domestic violence bail applications

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

1 Section 1. This act shall be known and may be cited as the "Isol Cotto
2 Act".

3 S 2. The criminal procedure law is amended by adding a new section
4 510.25 to read as follows:

5 S 510.25 APPLICATION FOR RECOGNIZANCE OR BAIL; WHERE DEFENDANT IS
6 ACCUSED OF DOMESTIC VIOLENCE OR VIOLATING AN EXISTING ORDER
7 OF PROTECTION.

8 1. ANY INDIVIDUAL ARRESTED FOR AN OFFENSE RELATING TO: (A) DOMESTIC
9 VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL
10 SERVICES LAW; (B) VIOLATING AN EXISTING ORDER OF PROTECTION ISSUED
11 PURSUANT TO THE FOLLOWING PROVISIONS OF LAW: SUBDIVISION ONE OF SECTION
12 530.11, SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (O) OF SUBDIVISION ONE OF
13 SECTION 330.20, SECTION 530.12 OF THIS CHAPTER, ORDERS ISSUED PURSUANT
14 TO SECTIONS TWO HUNDRED FORTY AND TWO HUNDRED FIFTY-TWO OF THE DOMESTIC
15 RELATIONS LAW, ARTICLES FOUR, FIVE, SIX AND EIGHT OF THE FAMILY COURT
16 ACT, AND AN ORDER OF PROTECTION ISSUED BY COURTS OF COMPETENT JURISDIC-
17 TION IN ANOTHER STATE, TERRITORIAL OR TRIBAL JURISDICTION; OR (C)
18 COMMITTING A FAMILY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION
19 EIGHT HUNDRED TWELVE OF THE FAMILY COURT ACT SHALL NOT BE RELEASED ON
20 BAIL UNTIL THEY HAVE APPEARED BEFORE A JUDGE OF THE COURT.

21 2. THE COURT'S REVIEW OF BAIL, AS PROVIDED FOR IN THIS SECTION, SHALL
22 INCLUDE BUT NOT BE LIMITED TO: (A) A REVIEW OF THE CIRCUMSTANCES OF THE
23 ARREST; (B) ANY PRIOR VIOLENT OFFENSES; AND (C) THE RISK THAT THE
24 ACCUSED POSES TO THE VICTIM IF RELEASED. SUCH APPEARANCE SHALL OCCUR
25 WITHIN TWELVE HOURS OF ARREST AND IN NO INSTANCE MAY THE ACCUSED BE HELD
26 UNDER THE PROVISIONS OF THIS SECTION FOR MORE THAN TWELVE HOURS.

27 S 3. This act shall take effect immediately.

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

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