

STATE OF NEW YORK

6917

2019-2020 Regular Sessions

IN SENATE

December 20, 2019

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

AN ACT to amend the criminal procedure law, in relation to allowing judges more options for when to impose bail or commit the principal to the custody of the sheriff

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (a), (h) and (i) of subdivision 4 of section
2 510.10 of the criminal procedure law, as added by section 2 of part JJJ
3 of chapter 59 of the laws of 2019, are amended and a new paragraph (j)
4 is added to read as follows:

5 (a) a felony enumerated in section 70.02 of the penal law[, ~~other than~~
6 ~~burglary in the second degree as defined in subdivision two of section~~
7 ~~140.25 of the penal law or robbery in the second degree as defined in~~
8 ~~subdivision one of section 160.10 of the penal law~~];

9 (h) criminal contempt in the second degree as defined in subdivision
10 three of section 215.50 of the penal law, criminal contempt in the first
11 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
12 the penal law or aggravated criminal contempt as defined in section
13 215.52 of the penal law, and the underlying allegation of such charge of
14 criminal contempt in the second degree, criminal contempt in the first
15 degree or aggravated criminal contempt is that the defendant violated a
16 duly served order of protection where the protected party is a member of
17 the defendant's same family or household as defined in subdivision one
18 of section 530.11 of this article; ~~or~~

19 (i) facilitating a sexual performance by a child with a controlled
20 substance or alcohol as defined in section 263.30 of the penal law, use
21 of a child in a sexual performance as defined in section 263.05 of the
22 penal law or luring a child as defined in subdivision one of section
23 120.70 of the penal law~~[-]~~; or

24 (j) a crime which resulted in death or serious physical injury.

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

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§ 2. Subparagraphs (i), (viii) and (ix) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 16 of part JJJ of chapter 59 of the laws of 2019, are amended and a new subparagraph (x) is added to read as follows:

(i) a felony enumerated in section 70.02 of the penal law~~[, other than burglary in the second degree as defined in subdivision two of section 140.25 of the penal law or robbery in the second degree as defined in subdivision one of section 160.10 of the penal law]~~;

(viii) criminal contempt in the second degree as defined in subdivision three of section 215.50 of the penal law, criminal contempt in the first degree as defined in subdivision (b), (c) or (d) of section 215.51 of the penal law or aggravated criminal contempt as defined in section 215.52 of the penal law, and the underlying allegation of such charge of criminal contempt in the second degree, criminal contempt in the first degree or aggravated criminal contempt is that the defendant violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article; ~~[or]~~

(ix) facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law or luring a child as defined in subdivision one of section 120.70 of the penal law~~[-]; or~~

(x) a crime which resulted in death or serious physical injury.

§ 3. Paragraphs (a), (h) and (i) of subdivision 4 of section 530.40 of the criminal procedure law, as added by section 18 of part JJJ of chapter 59 of the laws of 2019, are amended and a new paragraph (j) is added to read as follows:

(a) a felony enumerated in section 70.02 of the penal law~~[, other than burglary in the second degree as defined in subdivision two of section 140.25 of the penal law or robbery in the second degree as defined in subdivision one of section 160.10 of the penal law]~~;

(h) criminal contempt in the second degree as defined in subdivision three of section 215.50 of the penal law, criminal contempt in the first degree as defined in subdivision (b), (c) or (d) of section 215.51 of the penal law or aggravated criminal contempt as defined in section 215.52 of the penal law, and the underlying allegation of such charge of criminal contempt in the second degree, criminal contempt in the first degree or aggravated criminal contempt is that the defendant violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article; ~~[or]~~

(i) facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law or luring a child as defined in subdivision one of section 120.70 of the penal law~~[-]; or~~

(j) a crime which resulted in death or serious physical injury.

§ 4. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law provided, however, that if part JJJ of chapter 59 of the laws of 2019 shall not have taken effect on or before such date then this act shall take effect on the same date and in the same manner as part JJJ of chapter 59 of the laws of 2019 takes effect.