S T A T E O F N E W Y O R K

4487

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ESPAILLAT, SCHIMMINGER, HOOPER, BENJAMIN, KOON, PEOPLES, SCARBOROUGH, DelMONTE, EDDINGTON, ZEBROWSKI, COOK -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BOYLAND, BRENNAN, DIAZ, JOHN, PHEFFER, N. RIVERA, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to considering a victim's safety in bail determinations

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

Section 1. Subdivision 2 of section 510.30 of the criminal procedure law is amended by adding a new paragraph (c) to read as follows:

(C) WHERE THE PRINCIPAL IS CHARGED IN A MATTER FOR WHICH A TEMPORARY ORDER OF PROTECTION WAS ISSUED AGAINST HIM OR HER PURSUANT TO SECTION 530.12 OR SECTION 530.13 OF THIS TITLE, THE COURT MUST, ON THE BASIS OF AVAILABLE INFORMATION, CONSIDER AND TAKE INTO ACCOUNT THE FOLLOWING FACTORS TO ASSURE THE SAFETY OF THE PERSON PROTECTED BY THE TEMPORARY ORDER OF PROTECTION:

(I) ANY HISTORY OF PRIOR ACTS OF VIOLENCE OR THREATS OF VIOLENCE;

(II) ANY RECORD OF ANY ORDERS OF PROTECTION THAT WERE PREVIOUSLY ISSUED AGAINST THE PRINCIPAL, OR ARE CURRENTLY IN EFFECT AGAINST THE PRINCIPAL;

(III) ANY RECORD OF ANY VIOLATION OF AN ORDER OF PROTECTION THAT WAS PREVIOUSLY ISSUED OR IS CURRENTLY ISSUED AGAINST THE PRINCIPAL;

(IV) ANY RECORD OF PRIOR CONVICTIONS FOR CRIMES AGAINST THE COMPLAINANT BY THE PRINCIPAL; AND

(V) ANY OTHER FACTOR DEEMED TO BE RELEVANT BY THE COURT UNDER THE CIRCUMSTANCES OF THE CASE.

S 2. This act shall take effect on the first of November next succeeding 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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