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2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. TITUS, ESPAILLAT, COOK, CLARK, O'DONNELL, WRIGHT
-- Multi-Sponsored by -- M. of A. GOTTFRIED, JAFFEE, JEFFRIES, JOHN,
PERRY, ZEBROWSKI -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to exoneration
of bail

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

1 Section 1. Section 530.20 of the criminal procedure law is amended by
2 adding a new subdivision 3 to read as follows:

3 3. WHEN A LOCAL CRIMINAL COURT HAS, IN ACCORDANCE WITH THIS SECTION,
4 ORDERED BAIL WITH RESPECT TO A DEFENDANT CHARGED BY FELONY COMPLAINT,
5 AND THE DEFENDANT IS SUBSEQUENTLY AT LIBERTY IN THE ACTION FOLLOWING THE
6 POSTING OF BAIL, SUCH COURT SHALL EXONERATE BAIL AND ORDER RECOGNIZANCE
7 WHEN, AT THE TIME OF THE DEFENDANT'S APPLICATION THEREFOR, THE FELONY
8 COMPLAINT HAS BEEN PENDING IN SUCH LOCAL CRIMINAL COURT, WITH NO ACTION
9 OF THE GRAND JURY, FOR A PERIOD OF AT LEAST FORTY-FIVE DAYS FROM THE
10 DATE OF THE DEFENDANT'S ARRAIGNMENT THEREON; PROVIDED, HOWEVER, THAT THE
11 COURT MAY DENY SUCH APPLICATION WHERE THE PEOPLE SHOW GOOD CAUSE WHY
12 BAIL SHOULD NOT BE EXONERATED.

13 S 2. Section 530.40 of the criminal procedure law is amended by adding
14 a new subdivision 5 to read as follows:

15 5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION,
16 WHERE A DEFENDANT CHARGED BY FELONY COMPLAINT IS AT LIBERTY IN THE
17 ACTION FOLLOWING THE POSTING OF BAIL, THE COURT SHALL EXONERATE BAIL AND
18 ORDER RECOGNIZANCE WHEN, AT THE TIME OF THE DEFENDANT'S APPLICATION
19 THEREFOR, SUCH FELONY COMPLAINT HAS BEEN PENDING, WITH NO ACTION OF THE
20 GRAND JURY, FOR A PERIOD OF AT LEAST FORTY-FIVE DAYS FROM THE DATE OF
21 THE DEFENDANT'S ARRAIGNMENT THEREON; PROVIDED, HOWEVER, THAT THE COURT
22 MAY DENY SUCH APPLICATION WHERE THE PEOPLE SHOW GOOD CAUSE WHY BAIL
23 SHOULD NOT BE EXONERATED.

24 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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