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

S. 6865 A. 9952

S E N A T E - A S S E M B L Y

February 17, 2010

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

IN ASSEMBLY -- Introduced by M. of A. MENG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to orders of protection for non-family offenses

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

Section 1. Subdivision 8 of section 530.13 of the criminal procedure law, as added by chapter 388 of the laws of 1984, is amended to read as follows:

8. If a defendant is brought before the court for failure to obey any lawful order issued under this section and if, after hearing, the court is satisfied by competent proof that the defendant has willfully failed to obey any such order, the court [may] SHALL:

(a) revoke an order of recognizance or bail and commit the defendant to custody FOR A MINIMUM OF THIRTY DAYS; or

(b) restore the case to the calendar when there has been an adjournment in contemplation of dismissal and commit the defendant to custody [or impose or increase bail pending a trial of the original crime or violation] FOR A MINIMUM OF THIRTY DAYS; or

(c) revoke a conditional discharge in accordance with section 410.70 of this chapter and [impose probation supervision or] impose a sentence of imprisonment in accordance with the penal law based on the original conviction WHICH SHALL BE FOR A MINIMUM OF THIRTY DAYS; or

(d) revoke probation in accordance with section 410.70 of this chapter and impose a sentence of imprisonment in accordance with the penal law based on the original conviction WHICH SHALL BE FOR A MINIMUM OF THIRTY DAYS. In addition, if the act which constitutes the violation of the order of protection or temporary order of protection is a crime or a violation the defendant may be charged with and tried for that crime or violation.

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

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S 2. Subdivision 9 of section 530.13 of the criminal procedure law, as renumbered by chapter 388 of the laws of 1984, is renumbered subdivision 10 and a new subdivision 9 is added to read as follows:

9. IN ADDITION TO THE PENALTIES SET FORTH IN SUBDIVISION EIGHT OF THIS SECTION, IF A DEFENDANT HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENSE SET FORTH IN TITLE H OF PART THREE OF THE PENAL LAW, THE COURT SHALL ORDER THAT THE DEFENDANT BE EQUIPPED WITH A GLOBAL POSITIONING SYSTEM DEVICE WHICH SHALL RELIABLY MONITOR, TRACK AND LOCATE THE POSITION OF SUCH DEFENDANT. SUCH DEFENDANT SHALL BE EQUIPPED WITH SUCH GLOBAL POSITIONING DEVICE FOR THE DURATION OF SUCH TEMPORARY ORDER OF PROTECTION OR ANY RENEWAL THEREOF.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.