8018

I N   S E N A T E

June 1, 2010
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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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1   Section 1. The criminal procedure law is amended by adding a new
2 section 510.25 to read as follows:
3 S 510.25 APPLICATION FOR RECOGNIZANCE OR BAIL; WHERE DEFENDANT IS
4   ACCUSED OF DOMESTIC VIOLENCE OR VIOLATING AN EXISTING ORDER
5   OF PROTECTION.
6   1. ANY INDIVIDUAL ARRESTED FOR AN OFFENSE RELATING TO: (A) DOMESTIC
7 VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL
8 SERVICES LAW; (B) VIOLATING AN EXISTING ORDER OF PROTECTION ISSUED
9 PURSUANT TO THE FOLLOWING PROVISIONS OF LAW: SUBDIVISION ONE OF SECTION
10 530.11, SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (O) OF SUBDIVISION ONE OF
11 SECTION 330.20, SECTION 530.12, ORDERS ISSUED PURSUANT TO SECTIONS TWO
12 HUNDRED FORTY AND TWO HUNDRED FIFTY-TWO OF THE DOMESTIC RELATIONS LAW,
13 ARTICLES FOUR, FIVE, SIX AND EIGHT OF THE FAMILY COURT ACT, AND AN ORDER
14 OF PROTECTION ISSUED BY COURTS OF COMPETENT JURISDICTION IN ANOTHER
15 STATE, TERRITORIAL OR TRIBAL JURISDICTION; OR (C) COMMITTING A FAMILY
16 OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION EIGHT HUNDRED TWELVE OF
17 THE FAMILY COURT ACT SHALL NOT BE RELEASED ON BAIL UNTIL THEY HAVE
18 APPEARED BEFORE A JUDGE OF THE COURT.
19   2. THE COURT'S REVIEW OF BAIL, AS PROVIDED FOR IN THIS SECTION, SHALL
20 INCLUDE BUT NOT BE LIMITED TO: (A) A REVIEW OF THE CIRCUMSTANCES OF THE
21 ARREST; (B) ANY PRIOR VIOLENT OFFENSES; AND (C) THE RISK THAT THE
22 ACCUSED POSES TO THE VICTIM IF RELEASED. SUCH APPEARANCE SHALL OCCUR
23 WITHIN TWELVE HOURS OF ARREST AND IN NO INSTANCE MAY THE ACCUSED BE HELD
24 UNDER THE PROVISIONS OF THIS SECTION FOR MORE THAN TWELVE HOURS.
25   S 2. This act shall take effect immediately.

    EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                    [ ] is old law to be omitted.
                                                      LBD16599-01-0