

1307

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the criminal procedure law, in relation to an order of  
recognizance or bail

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

1     Section 1. Subdivision 3 of section 530.40 of the criminal procedure  
2 law, as amended by chapter 264 of the laws of 2003, is amended to read  
3 as follows:  
4     3. Notwithstanding the provisions of subdivision two, a superior court  
5 may not order recognizance or bail, or permit a defendant to remain at  
6 liberty pursuant to an existing order, after he OR SHE has been  
7 convicted of either: (a) a class A felony or (b) any class B or class C  
8 felony defined in article one hundred thirty of the penal law committed  
9 or attempted to be committed by a person eighteen years of age or older  
10 against a person less than eighteen years of age. In either case the  
11 court must commit or remand the defendant to the custody of the sheriff;  
12 PROVIDED, HOWEVER, THAT A SUPERIOR COURT MAY ORDER RECOGNIZANCE OR BAIL,  
13 OR PERMIT A DEFENDANT TO REMAIN AT LIBERTY PURSUANT TO AN EXISTING  
14 ORDER, AFTER THE DEFENDANT HAS BEEN CONVICTED OF A CLASS A-II FELONY, IF  
15 THE DEFENDANT IS PROVIDING, OR HAS AGREED TO PROVIDE, MATERIAL ASSIST-  
16 ANCE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 65.00 OF  
17 THE PENAL LAW.  
18     S 2. 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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