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

1307

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 530.40 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

3. Notwithstanding the provisions of subdivision two, a superior court may not order recognizance or bail, or permit a defendant to remain at liberty pursuant to an existing order, after he OR SHE has been convicted of either: (a) a class A felony or (b) any class B or class C felony defined in article one hundred thirty of the penal law committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age. In either case the court must commit or remand the defendant to the custody of the sheriff; PROVIDED, HOWEVER, THAT A SUPERIOR COURT MAY ORDER RECOGNIZANCE OR BAIL, OR PERMIT A DEFENDANT TO REMAIN AT LIBERTY PURSUANT TO AN EXISTING ORDER, AFTER THE DEFENDANT HAS BEEN CONVICTED OF A CLASS A-II FELONY, IF THE DEFENDANT IS PROVIDING, OR HAS AGREED TO PROVIDE, MATERIAL ASSISTANCE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 65.00 OF THE PENAL LAW.

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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