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

754

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, DINOWITZ, EDDINGTON, PHEFFER, HOYT, CAHILL, SCHIMMINGER, CLARK, ROSENTHAL, CHRISTENSEN, JOHN -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, BARRA, CYMBROWITZ, DelMONTE, GABRYSZAK, GALEF, HOOPER, HYER-SPENCER, KOON, MAGNARELLI, MAYERSOHN, PERRY, SWEENEY, WALKER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the consideration of certain factors when determining the issuance of 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. Paragraph (b) of subdivision 2 of section 510.30 of the criminal procedure law is relettered paragraph (c) and a new paragraph (b) is added to read as follows:

(B) WHERE THE PRINCIPAL IS CHARGED WITH A CRIME OR CRIMES AGAINST A FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR FORMERLY INTIMATE PARTNER, THE COURT MUST, ON THE BASIS OF AVAILABLE INFORMATION, CONSIDER AND TAKE INTO ACCOUNT THE DANGER OF INTIMIDATION OR INJURY BY THE PRINCIPAL TO A WITNESS IN THE CASE, INCLUDING THE FOLLOWING FACTORS:

(I) ANY HISTORY OF PRIOR ACTS OF VIOLENCE OR THREATS OF VIOLENCE AGAINST A WITNESS IN THE PENDING CRIMINAL ACTION; AND

(II) ANY ORDER OR PROTECTION ISSUED BY ANY COURT AGAINST THE PRINCIPAL FOR THE PROTECTION OF A FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR FORMERLY INTIMATE PARTNER, WHETHER OR NOT SUCH ORDER IS CURRENTLY IN EFFECT; AND

(III) ANY PRIOR ARREST OR CONVICTION FOR A CRIME OR VIOLATION AGAINST A FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR FORMERLY INTIMATE PARTNER; AND

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

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(IV) ANY VIOLATION OF AN ORDER OF PROTECTION ISSUED BY ANY COURT AGAINST THE PRINCIPAL FOR THE PROTECTION OF A FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR FORMERLY INTIMATE PARTNER; AND

(V) THE PRINCIPAL'S HISTORY OF USE OR POSSESSION OF A FIREARM.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.