

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:

1 Section 1. Subdivision 8 of section 530.13 of the criminal procedure
2 law, as added by chapter 388 of the laws of 1984, is amended to read as
3 follows:
4 8. If a defendant is brought before the court for failure to obey any
5 lawful order issued under this section and if, after hearing, the court
6 is satisfied by competent proof that the defendant has willfully failed
7 to obey any such order, the court [may] SHALL:
8 (a) revoke an order of recognizance or bail and commit the defendant
9 to custody FOR A MINIMUM OF THIRTY DAYS; or
10 (b) restore the case to the calendar when there has been an adjourn-
11 ment in contemplation of dismissal and commit the defendant to custody
12 [or impose or increase bail pending a trial of the original crime or
13 violation] FOR A MINIMUM OF THIRTY DAYS; or
14 (c) revoke a conditional discharge in accordance with section 410.70
15 of this chapter and [impose probation supervision or] impose a sentence
16 of imprisonment in accordance with the penal law based on the original
17 conviction WHICH SHALL BE FOR A MINIMUM OF THIRTY DAYS; or
18 (d) revoke probation in accordance with section 410.70 of this chapter
19 and impose a sentence of imprisonment in accordance with the penal law
20 based on the original conviction WHICH SHALL BE FOR A MINIMUM OF THIRTY
21 DAYS. In addition, if the act which constitutes the violation of the
22 order of protection or temporary order of protection is a crime or a
23 violation the defendant may be charged with and tried for that crime or
24 violation.

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

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1 S 2. Subdivision 9 of section 530.13 of the criminal procedure law, as
2 renumbered by chapter 388 of the laws of 1984, is renumbered subdivision
3 10 and a new subdivision 9 is added to read as follows:

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

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