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

1805

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. O. JOHNSON, ALESI, MAZIARZ, SKELOS, VOLKER -- 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 certain persons be committed to the custody of the sheriff pending a hearing on revocation of bail

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

Section 1. Paragraph (c) of subdivision 2 of section 530.60 of the criminal procedure law, as added by chapter 788 of the laws of 1981, is amended to read as follows:

(c) Notwithstanding the provisions of paragraph (a) of this subdivision a defendant, against whom a felony complaint has been filed which charges the defendant with commission of a class A or violent felony offense committed while he OR SHE was at liberty as specified therein, [may] OR AGAINST WHOM A VERIFIED STATEMENT HAS BEEN FILED WHICH ALLEGES THAT THE DEFENDANT HAS INTIMIDATED A VICTIM OR WITNESS IN VIOLATION OF SECTION 215.15, 215.16 OR 215.17 OF THE PENAL LAW WHILE AT LIBERTY, UNLESS THE COURT SHALL OTHERWISE MAKE A FINDING ON THE RECORD, SHALL be committed to the custody of the sheriff pending a revocation hearing for a period not to exceed seventy-two hours. An additional period not to exceed seventy-two hours may be granted by the court upon application of the district attorney upon a showing of good cause or where the failure to commence the hearing was due to the defendant's request or occurred with his consent. Such good cause must consist of some compelling fact or circumstance which precluded conducting the hearing within the initial prescribed period.

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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