

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.