

3608

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 26, 2011

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Introduced by M. of A. TITUS, COOK, O'DONNELL, CLARK, WRIGHT -- Multi-Sponsored by -- M. of A. GOTTFRIED, JAFFEE, JEFFRIES, PERRY, ZEBROWSKI -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to exoneration of bail

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

1     Section 1. Section 530.20 of the criminal procedure law is amended by  
2     adding a new subdivision 3 to read as follows:  
3     3. WHEN A LOCAL CRIMINAL COURT HAS, IN ACCORDANCE WITH THIS SECTION,  
4     ORDERED BAIL WITH RESPECT TO A DEFENDANT CHARGED BY FELONY COMPLAINT,  
5     AND THE DEFENDANT IS SUBSEQUENTLY AT LIBERTY IN THE ACTION FOLLOWING THE  
6     POSTING OF BAIL, SUCH COURT SHALL UPON APPLICATION OF THE DEFENDANT,  
7     EXONERATE BAIL AND ORDER RECOGNIZANCE WHEN, AT THE TIME OF THE DEFEND-  
8     ANT'S APPLICATION THEREFOR, THE FELONY COMPLAINT HAS BEEN PENDING IN  
9     SUCH LOCAL CRIMINAL COURT, WITH NO ACTION OF THE GRAND JURY, FOR A PERI-  
10    OD OF AT LEAST FORTY-FIVE DAYS FROM THE DATE OF THE DEFENDANT'S ARRAIGN-  
11    MENT THEREON; PROVIDED, HOWEVER, THAT THE COURT MAY DENY SUCH APPLICA-  
12    TION WHERE THE PEOPLE SHOW GOOD CAUSE WHY BAIL SHOULD NOT BE EXONERATED.  
13    S 2. Section 530.40 of the criminal procedure law is amended by adding  
14    a new subdivision 5 to read as follows:  
15    5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION,  
16    WHERE A DEFENDANT CHARGED BY FELONY COMPLAINT IS AT LIBERTY IN THE  
17    ACTION FOLLOWING THE POSTING OF BAIL, THE COURT SHALL UPON APPLICATION  
18    OF THE DEFENDANT, EXONERATE BAIL AND ORDER RECOGNIZANCE WHEN, AT THE  
19    TIME OF THE DEFENDANT'S APPLICATION THEREFOR, SUCH FELONY COMPLAINT HAS  
20    BEEN PENDING, WITH NO ACTION OF THE GRAND JURY, FOR A PERIOD OF AT LEAST  
21    FORTY-FIVE DAYS FROM THE DATE OF THE DEFENDANT'S ARRAIGNMENT THEREON;  
22    PROVIDED, HOWEVER, THAT THE COURT MAY DENY SUCH APPLICATION WHERE THE  
23    PEOPLE SHOW GOOD CAUSE WHY BAIL SHOULD NOT BE EXONERATED.  
24    S 3. 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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