

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. PAULIN, DINOWITZ, PHEFFER, HOYT, CAHILL, SCHIM-  
MINGER, CLARK, ROSENTHAL -- Multi-Sponsored by -- M. of A. AUBRY,  
CYMBROWITZ, GABRYSZAK, GALEF, HOOPER, MAGNARELLI, MAYERSOHN, PERRY,  
SWEENEY, WEISENBERG -- read once and referred to the Committee on  
Codes

AN ACT to amend the criminal procedure law, in relation to the consider-  
ation 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (b) of subdivision 2 of section 510.30 of the  
2     criminal procedure law is relettered paragraph (c) and a new paragraph  
3     (b) is added to read as follows:  
4     (B) WHERE THE PRINCIPAL IS CHARGED WITH A CRIME OR CRIMES AGAINST A  
5     FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR FORMERLY INTIMATE PARTNER, THE  
6     COURT MUST, ON THE BASIS OF AVAILABLE INFORMATION, CONSIDER AND TAKE  
7     INTO ACCOUNT THE DANGER OF INTIMIDATION OR INJURY BY THE PRINCIPAL TO A  
8     WITNESS IN THE CASE, INCLUDING THE FOLLOWING FACTORS:  
9     (I) ANY HISTORY OF PRIOR ACTS OF VIOLENCE OR THREATS OF VIOLENCE  
10    AGAINST A WITNESS IN THE PENDING CRIMINAL ACTION; AND  
11    (II) ANY ORDER OR PROTECTION ISSUED BY ANY COURT AGAINST THE PRINCIPAL  
12    FOR THE PROTECTION OF A FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR  
13    FORMERLY INTIMATE PARTNER, WHETHER OR NOT SUCH ORDER IS CURRENTLY IN  
14    EFFECT; AND  
15    (III) ANY PRIOR ARREST OR CONVICTION FOR A CRIME OR VIOLATION AGAINST  
16    A FAMILY OR HOUSEHOLD MEMBER OR INTIMATE OR FORMERLY INTIMATE PARTNER;  
17    AND  
18    (IV) ANY VIOLATION OF AN ORDER OF PROTECTION ISSUED BY ANY COURT  
19    AGAINST THE PRINCIPAL FOR THE PROTECTION OF A FAMILY OR HOUSEHOLD MEMBER  
20    OR INTIMATE OR FORMERLY INTIMATE PARTNER; AND  
21    (V) THE PRINCIPAL'S HISTORY OF USE OR POSSESSION OF A FIREARM.  
22    S 2. This act shall take effect on the first of November next succeed-  
23    ing the date on which it shall have become a law.

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

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