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

251--C

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, LENTOL, WEINSTEIN, DINOWITZ, CAHILL, SCHIMMINGER, CLARK, ROSENTHAL, SKARTADOS, PRETLOW, ZEBROWSKI, LAVINE, MONTESANO -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, COOK, CURRAN, CYMBROWITZ, GABRYSZAK, GALEF, GIGLIO, HOOPER, LANCMAN, MAGNARELLI, PERRY, RA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the consideration 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraphs (vii) and (viii) of paragraph (a) of subdivision 2 of section 510.30 of the criminal procedure law, as renumbered by chapter 447 of the laws of 1977, are renumbered subparagraphs (viii) and (ix) and a new subparagraph (vii) is added to read as follows:

(VII) WHERE THE PRINCIPAL IS CHARGED WITH A CRIME OR CRIMES AGAINST A MEMBER OR MEMBERS OF THE SAME FAMILY OR HOUSEHOLD AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF THIS TITLE, THE FOLLOWING FACTORS:

(A) ANY VIOLATION BY THE PRINCIPAL OF AN ORDER OF PROTECTION ISSUED BY ANY COURT FOR THE PROTECTION OF A MEMBER OR MEMBERS OF THE SAME FAMILY OR HOUSEHOLD AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 530.11 OF THIS TITLE, WHETHER OR NOT SUCH ORDER OF PROTECTION IS CURRENTLY IN EFFECT; AND

(B) THE PRINCIPAL'S HISTORY OF USE OR POSSESSION OF A FIREARM; AND

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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