

3947

2011-2012 Regular Sessions

I N   S E N A T E

March 10, 2011

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Introduced by Sen. DeFRANCISCO -- (at request of the Office of Court Administration) -- 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 a bail bond secured by real property

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

1     Section 1. Paragraph (b) of subdivision 17 of section 500.10 of the  
2 criminal procedure law, as amended by chapter 316 of the laws of 1992,  
3 is amended to read as follows:

4     (b) Real property having a value of at least twice the total amount of  
5 the undertaking. For purposes of this paragraph, value of real property  
6 is determined by EITHER:

7     (I) dividing the last assessed value of such property by the last  
8 given equalization rate or in a special assessing unit, as defined in  
9 article eighteen of the real property tax law, the appropriate class  
10 ratio established pursuant to section twelve hundred two of such law of  
11 the assessing municipality wherein the property is situated and by  
12 deducting from the resulting figure the total amount of any liens or  
13 other encumbrances upon such property; OR

14     (II) THE VALUE OF THE PROPERTY AS INDICATED IN A CERTIFIED APPRAISAL  
15 REPORT SUBMITTED BY A STATE CERTIFIED GENERAL REAL ESTATE APPRAISER DULY  
16 LICENSED BY THE DEPARTMENT OF STATE AS PROVIDED IN SECTION ONE HUNDRED  
17 SIXTY-J OF THE EXECUTIVE LAW, AND BY DEDUCTING FROM THE APPRAISED VALUE  
18 THE TOTAL AMOUNT OF ANY LIENS OR OTHER ENCUMBRANCES UPON SUCH PROPERTY.  
19 A LIEN REPORT ISSUED BY A TITLE INSURANCE COMPANY LICENSED UNDER ARTICLE  
20 SIXTY-FOUR OF THE INSURANCE LAW, THAT GUARANTEES THE CORRECTNESS OF A  
21 LIEN SEARCH CONDUCTED BY IT, SHALL BE PRESUMPTIVE PROOF OF LIENS UPON  
22 THE PROPERTY.

23     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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