

2024

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. STAVISKY -- 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 requiring court review of domestic violence bail applications

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

1     Section 1. This act shall be known and may be cited as the "Isol Cotto  
2     Act".

3     S 2. The criminal procedure law is amended by adding a new section  
4     510.25 to read as follows:

5     S 510.25 APPLICATION FOR RECOGNIZANCE OR BAIL; WHERE DEFENDANT IS  
6             ACCUSED OF DOMESTIC VIOLENCE OR VIOLATING AN EXISTING ORDER  
7             OF PROTECTION.

8     1. ANY INDIVIDUAL ARRESTED FOR AN OFFENSE RELATING TO: (A) DOMESTIC  
9     VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL  
10    SERVICES LAW; (B) VIOLATING AN EXISTING ORDER OF PROTECTION ISSUED  
11    PURSUANT TO THE FOLLOWING PROVISIONS OF LAW: SUBDIVISION ONE OF SECTION  
12    530.11, SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (O) OF SUBDIVISION ONE OF  
13    SECTION 330.20, SECTION 530.12 OF THIS CHAPTER, ORDERS ISSUED PURSUANT  
14    TO SECTIONS TWO HUNDRED FORTY AND TWO HUNDRED FIFTY-TWO OF THE DOMESTIC  
15    RELATIONS LAW, ARTICLES FOUR, FIVE, SIX AND EIGHT OF THE FAMILY COURT  
16    ACT, AND AN ORDER OF PROTECTION ISSUED BY COURTS OF COMPETENT JURISDIC-  
17    TION IN ANOTHER STATE, TERRITORIAL OR TRIBAL JURISDICTION; OR (C)  
18    COMMITTING A FAMILY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION  
19    EIGHT HUNDRED TWELVE OF THE FAMILY COURT ACT SHALL NOT BE RELEASED ON  
20    BAIL UNTIL THEY HAVE APPEARED BEFORE A JUDGE OF THE COURT.

21    2. THE COURT'S REVIEW OF BAIL, AS PROVIDED FOR IN THIS SECTION, SHALL  
22    INCLUDE BUT NOT BE LIMITED TO: (A) A REVIEW OF THE CIRCUMSTANCES OF THE  
23    ARREST; (B) ANY PRIOR VIOLENT OFFENSES; AND (C) THE RISK THAT THE  
24    ACCUSED POSES TO THE VICTIM IF RELEASED. SUCH APPEARANCE SHALL OCCUR  
25    WITHIN TWELVE HOURS OF ARREST AND IN NO INSTANCE MAY THE ACCUSED BE HELD  
26    UNDER THE PROVISIONS OF THIS SECTION FOR MORE THAN TWELVE HOURS.

27    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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