STATE OF NEW YORK

2411

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. PAULIN, GOTTFRIED, JAFFEE, SCHIMMINGER, MOSLEY, SKOUFIS, PICHARDO, MAGNARELLI, CRESPO, FAHY, BARRON, SIMON, BLAKE, WALTER, RAIA, CROUCH, GALEF, HOOPER, ARROYO -- Multi-Sponsored by -- M. of A. COOK, FRIEND, GIGLIO, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to factors for 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. Subparagraph (vii) of paragraph (a) of subdivision 2 of section 510.30 of the criminal procedure law, as added by section 1 of part D of chapter 491 of the laws of 2012, is amended 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 history of prior acts of violence or threats of violence against a witness in the pending criminal action; and**

(B) any order of protection issued by any court against the principal 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

(C) any prior arrest or conviction for a crime or violation 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; and

(D) 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

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

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530.11 of this title, whether or not such order of protection is currently in effect; and

[~~(B)~~] **(E)** the principal's history of use or possession of a firearm; and

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