

# STATE OF NEW YORK

4658

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

Introduced by M. of A. TITUS, COOK, O'DONNELL -- Multi-Sponsored by --  
M. of A. GOTTFRIED, JAFFEE, PERRY, ZEBROWSKI -- read once and  
referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to exoneration  
of bail

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 530.20 of the criminal procedure law is amended by  
2 adding a new subdivision 3 to read as follows:

3 3. When a local criminal court has, in accordance with this section,  
4 ordered bail with respect to a defendant charged by felony complaint,  
5 and the defendant is subsequently at liberty in the action following the  
6 posting of bail, such court shall upon application of the defendant,  
7 exonerate bail and order recognizance when, at the time of the defend-  
8 ant's application therefor, the felony complaint has been pending in  
9 such local criminal court, with no action of the grand jury, for a peri-  
10 od of at least forty-five days from the date of the defendant's arraign-  
11 ment thereon; provided, however, that the court may deny such applica-  
12 tion where the people show good cause why bail should not be exonerated.

13 § 2. Section 530.40 of the criminal procedure law is amended by adding  
14 a new subdivision 5 to read as follows:

15 5. Notwithstanding the provisions of subdivision two of this section,  
16 where a defendant charged by felony complaint is at liberty in the  
17 action following the posting of bail, the court shall upon application  
18 of the defendant, exonerate bail and order recognizance when, at the  
19 time of the defendant's application therefor, such felony complaint has  
20 been pending, with no action of the grand jury, for a period of at least  
21 forty-five days from the date of the defendant's arraignment thereon;  
22 provided, however, that the court may deny such application where the  
23 people show good cause why bail should not be exonerated.

24 § 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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