STATE OF NEW YORK

5212

2017-2018 Regular Sessions

IN SENATE

March 16, 2017

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:

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

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

§ 510.25 Application for recognizance or bail; where defendant is accused of domestic violence or violating an existing order of protection.

1. Any individual arrested for an offense relating to: (a) domestic violence, as defined in section four hundred fifty-nine-a of the social services law; (b) violating an existing order of protection issued pursuant to the following provisions of law: subdivision one of section 530.11, subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20, section 530.12 of this chapter, orders issued pursuant to sections two hundred forty and two hundred fifty-two of the domestic relations law, articles four, five, six and eight of the family court act, and an order of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction; or (c) committing a family offense as defined in subdivision one of section eight hundred twelve of the family court act shall not be released on bail until they have appeared before a judge of the court.

2. The court's review of bail, as provided for in this section, shall include but not be limited to: (a) a review of the circumstances of the arrest; (b) any prior violent offenses; and (c) the risk that the accused poses to the victim if released. Such appearance shall occur within twelve hours of arrest and in no instance may the accused be held under the provisions of this section for more than twelve hours.

§ 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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