

STATE OF NEW YORK

1892

2019-2020 Regular Sessions

IN ASSEMBLY

January 17, 2019

Introduced by M. of A. ZEBROWSKI, CAHILL, SCHIMMINGER, BRONSON --
Multi-Sponsored by -- M. of A. GLICK -- read once and referred 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 Assem-
bly, 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 jurisdic-
tion 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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