STATE OF NEW YORK

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6901

2019-2020 Regular Sessions

IN ASSEMBLY

March 25, 2019
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Introduced by M. of A. ORTIZ, ENGLEBRIGHT, SEAWRIGHT, DAVILA, MOSLEY, TAYLOR, COOK, D'URSO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to prohibiting bail when a defendant is charged with a felony sex crime with a minor victim who is a vulnerable person or a person with a disability

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

1   Section 1. Section 530.40 of the criminal procedure law is amended by
2 adding a new subdivision 5 to read as follows:
3   *5. Notwithstanding the provisions of subdivision two, a superior court*
4 *may not order recognizance or bail when the defendant is charged with a*
5 *felony defined in article one hundred thirty of the penal law, committed*
6 *or attempted to be committed by a person eighteen years of age or older*
7 *against a person less than eighteen years of age who is a vulnerable*
8 *person or a person with a disability as such terms are defined in*
9 *section five hundred fifty of the executive law.*
10   § 2. Paragraph (a) of subdivision 2 of section 530.20 of the criminal
11 procedure law, as amended by chapter 531 of the laws of 1975, is amended
12 to read as follows:
13   (a) A city court, a town court or a village court may not order
14 recognizance or bail when (i) the defendant is charged with a class A
15 felony, [or] (ii) it appears that the defendant has two previous felony
16 convictions[,]*, or (iii) the defendant is charged with any felony*
17 *defined in article one hundred thirty of the penal law, committed or*
18 *attempted to be committed by a person eighteen years of age or older*
19 *against a person less than eighteen years of age who is a vulnerable*
20 *person or a person with a disability as such terms are defined in*
21 *section five hundred fifty of the executive law.*
22   § 3. This act shall take effect immediately.

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