

# STATE OF NEW YORK

9047

## IN ASSEMBLY

January 10, 2020

Introduced by M. of A. SANTABARBARA -- read once and referred to the  
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to setting bail  
for defendants who pose a threat to public safety

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

1 Section 1. Subdivision 1 of section 510.10 of the criminal procedure  
2 law, as amended by section 2 of part JJJ of chapter 59 of the laws of  
3 2019, is amended to read as follows:

4 1. When a principal, whose future court attendance at a criminal  
5 action or proceeding is or may be required, comes under the control of a  
6 court, such court shall, in accordance with this title, by a securing  
7 order release the principal on the principal's own recognizance, release  
8 the principal under non-monetary conditions, or, where authorized, fix  
9 bail or commit the principal to the custody of the sheriff. In all such  
10 cases, except where another type of securing order is shown to be  
11 required by law, the court shall release the principal pending trial on  
12 the principal's own recognizance, unless it is demonstrated and the  
13 court makes an individualized determination that the principal poses a  
14 risk of flight to avoid prosecution[~~-. If such a finding is made, the~~  
15 ~~court must select the least restrictive alternative and condition or~~  
16 ~~conditions that will reasonably assure the principal's return to court]~~  
17 or it is demonstrated and the court makes an individualized determi-  
18 nation based on the principal's record of a prior felony conviction, a  
19 failure to appear in court or if the principal is arrested during the  
20 interim period while awaiting a preliminary hearing or trial. The court  
21 shall explain its choice of release, release with conditions, bail or  
22 remand on the record or in writing.

23 § 2. This act shall take effect on the same date and in the same  
24 manner as section 2 of part JJJ of chapter 59 of the laws of 2019, takes  
25 effect.

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

LBD14237-02-9