

STATE OF NEW YORK

9938

IN ASSEMBLY

February 27, 2020

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

AN ACT to amend the criminal procedure law, in relation to requiring the people to serve defendants notice alleging that the defendant and the person alleged to be the victim of such crime were members of the same family or household

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

1 Section 1. Subdivision 1 of section 370.15 of the criminal procedure
2 law, as added by chapter 60 of the laws of 2018, is amended to read as
3 follows:
4 1. When a defendant has been charged with assault in the third degree,
5 menacing in the third degree, menacing in the second degree, criminal
6 obstruction of breathing or blood circulation, unlawful imprisonment in
7 the second degree, coercion in the third degree, criminal tampering in
8 the third degree, criminal contempt in the second degree, harassment in
9 the first degree, aggravated harassment in the second degree, criminal
10 trespass in the third degree, criminal trespass in the second degree,
11 arson in the fifth degree, or attempt to commit any of the above-listed
12 offenses, the people [~~may~~] shall, at arraignment or no later than
13 forty-five days after arraignment, serve on the defendant and file with
14 the court a notice alleging that the defendant and the person alleged to
15 be the victim of such crime were members of the same family or household
16 as defined in subdivision one of section 530.11 of this chapter.
17 § 2. This act shall take effect immediately.

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

LBD14434-01-9