

STATE OF NEW YORK

5569

2019-2020 Regular Sessions

IN SENATE

May 7, 2019

Introduced by Sen. MARTINEZ -- 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 adding additional qualifying offenses for which an individual may be held in custody pending trial

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

1 Section 1. Paragraphs (h) and (i) of subdivision 4 of section 510.10
2 of the criminal procedure law, as added by section 2 of part JJJ of
3 chapter 59 of the laws of 2019, are amended and a new paragraph (j) is
4 added to read as follows:

5 (h) criminal contempt in the second degree as defined in subdivision
6 three of section 215.50 of the penal law, criminal contempt in the first
7 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
8 the penal law or aggravated criminal contempt as defined in section
9 215.52 of the penal law, and the underlying allegation of such charge of
10 criminal contempt in the second degree, criminal contempt in the first
11 degree or aggravated criminal contempt is that the defendant violated a
12 duly served order of protection where the protected party is a member of
13 the defendant's same family or household as defined in subdivision one
14 of section 530.11 of this article; [✗]

15 (i) facilitating a sexual performance by a child with a controlled
16 substance or alcohol as defined in section 263.30 of the penal law, use
17 of a child in a sexual performance as defined in section 263.05 of the
18 penal law or luring a child as defined in subdivision one of section
19 120.70 of the penal law[-]; or

20 (j) overdriving, torturing and injuring animals and failure to provide
21 proper sustenance as defined in section three hundred fifty-three of the
22 agriculture and markets law, aggravated cruelty to animals as defined in
23 section three hundred fifty-three-a of the agriculture and markets law

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

LBD11220-01-9

1 or animal fighting as defined in section three hundred fifty-one of the
2 agriculture and markets law.

3 § 2. This act shall take effect on the same date and in the same
4 manner as section two of part JJJ of chapter 59 of the laws of 2019, as
5 amended.