

# STATE OF NEW YORK

7205

## IN SENATE

January 10, 2020

Introduced by Sen. AKSHAR -- 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 ensuring repeat offenders qualify for bail and pre-trial detention

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, or~~ title;

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) any other felony offense and the principal has been convicted of  
21 one or more felony offenses within the immediate preceding ten years.

22 § 2. Subparagraphs (viii) and (ix) of paragraph (b) of subdivision 1  
23 of section 530.20 of the criminal procedure law, as added by section 16  
24 of part JJJ of chapter 59 of the laws of 2019, are amended and a new  
25 subparagraph (x) is added to read as follows:

26 (viii) criminal contempt in the second degree as defined in subdivi-  
27 sion three of section 215.50 of the penal law, criminal contempt in the  
28 first degree as defined in subdivision (b), (c) or (d) of section 215.51

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

LBD14704-01-0

1 of the penal law or aggravated criminal contempt as defined in section  
2 215.52 of the penal law, and the underlying allegation of such charge of  
3 criminal contempt in the second degree, criminal contempt in the first  
4 degree or aggravated criminal contempt is that the defendant violated a  
5 duly served order of protection where the protected party is a member of  
6 the defendant's same family or household as defined in subdivision one  
7 of section 530.11 of this article; ~~[ex]~~

8 (ix) facilitating a sexual performance by a child with a controlled  
9 substance or alcohol as defined in section 263.30 of the penal law, use  
10 of a child in a sexual performance as defined in section 263.05 of the  
11 penal law or luring a child as defined in subdivision one of section  
12 120.70 of the penal law~~[-]~~; or

13 (x) any other felony offense and the principal has been convicted of  
14 one or more felony offenses within the immediate preceding ten years.

15 § 3. Paragraphs (h) and (i) of subdivision 4 of section 530.40 of the  
16 criminal procedure law, as added by section 18 of part JJJ of chapter 59  
17 of the laws of 2019, are amended and a new paragraph (j) is added to  
18 read as follows:

19 (h) criminal contempt in the second degree as defined in subdivision  
20 three of section 215.50 of the penal law, criminal contempt in the first  
21 degree as defined in subdivision (b), (c) or (d) of section 215.51 of  
22 the penal law or aggravated criminal contempt as defined in section  
23 215.52 of the penal law, and the underlying allegation of such charge of  
24 criminal contempt in the second degree, criminal contempt in the first  
25 degree or aggravated criminal contempt is that the defendant violated a  
26 duly served order of protection where the protected party is a member of  
27 the defendant's same family or household as defined in subdivision one  
28 of section 530.11 of this article; ~~[ex]~~

29 (i) facilitating a sexual performance by a child with a controlled  
30 substance or alcohol as defined in section 263.30 of the penal law, use  
31 of a child in a sexual performance as defined in section 263.05 of the  
32 penal law or luring a child as defined in subdivision one of section  
33 120.70 of the penal law~~[-]~~; or

34 (j) any other felony offense and the principal has been convicted of  
35 one or more felony offenses within the immediate preceding ten years.

36 § 4. This act shall take effect immediately.