

STATE OF NEW YORK

S. 6548

A. 8378

2019-2020 Regular Sessions

SENATE - ASSEMBLY

June 15, 2019

IN SENATE -- Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

AN ACT to amend the executive law, in relation to determining whether a releasee shall be detained pending a preliminary or final revocation hearing

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

1 Section 1. Paragraph (a) of subdivision 3 of section 259-i of the
2 executive law is amended by adding a new subparagraph (iv) to read as
3 follows:

4 (iv) If a releasee is brought to or appears in a court to be arraigned
5 for any alleged felony or misdemeanor, and at any point the department
6 issues a warrant for the same alleged criminal conduct, then the court's
7 order pursuant to section 530.10 of the criminal procedure law shall
8 control in determining whether the releasee shall be detained pending a
9 preliminary or final revocation hearing, provided that at the time of
10 the court's order, pursuant to section 530.10 of the criminal procedure
11 law, the court was informed the releasee was subject to community super-
12 vision. Provided, however, that notwithstanding section 530.10 of the
13 criminal procedure law, the court may order that the releasee be
14 detained pending preliminary or final revocation hearings upon a finding
15 on the record or in writing that the releasee currently presents a
16 substantial risk of willfully failing to appear at the preliminary or
17 final revocation hearings and that no non-monetary condition or combina-
18 tion of conditions in the community supervision will reasonably assure
19 the releasee's appearance at the preliminary or final revocation hear-
20 ings. If the criminal court imposes bail pursuant to section 530.10 of
21 the criminal procedure law, and the releasee-defendant secures release

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

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1 by paying bail or by operation of law, then the releasee shall not be
2 detained further based solely on the warrant issued by the department;
3 provided, however, if the department issues a warrant for the same
4 alleged criminal conduct after the court's order pursuant to section
5 530.10 of the criminal procedure law and the department can demonstrate
6 that at the time of such court's order the court was not informed the
7 releasee was subject to community supervision, then the court shall hold
8 a recognizance hearing within twenty-four hours of the execution of the
9 warrant.

10 § 2. This act shall take effect on the first of April next succeeding
11 the date on which it shall have become a law. Effective immediately, the
12 addition, amendment and/or repeal of any rule or regulation necessary
13 for the implementation of this act on its effective date are authorized
14 and directed to be made and completed on or before such effective date.