

STATE OF NEW YORK

8944

IN ASSEMBLY

January 2, 2020

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

AN ACT to amend the criminal procedure law, in relation to securing orders for principals charged with hate crimes

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 to read as follows:

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

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

19 (j) a crime involving a hate crime under section 485.05 of the penal
20 law.

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

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

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

LBD14608-01-9

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

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

12 (x) a crime involving a hate crime under section 485.05 of the penal
13 law.

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

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

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

32 (j) a crime involving a hate crime under section 485.05 of the penal
33 law.

34 § 4. This act shall take effect on the same date and in the same
35 manner as part JJJ of chapter 59 of the laws of 2019 takes effect.