STATE OF NEW YORK

9106

IN ASSEMBLY

January 21, 2020

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

AN ACT to amend the criminal procedure law, in relation to the electronic monitoring of persons charged with a crime

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

Section 1. Subdivision 21 of section 500.10 of the criminal procedure law, as added by section 1-f of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

21. "Qualifies for electronic monitoring," for purposes of subdivision four of section 510.40 of this title, means a person charged with a felony, a misdemeanor crime of domestic violence, a misdemeanor defined in article one hundred thirty of the penal law, a crime and the circumstances of paragraph (b) of subdivision two of section 530.60 of this title apply, or any misdemeanor where the defendant stands previously convicted[~~, within the past five years,~~] of a violent felony offense as defined in section 70.02 of the penal law. [~~For the purposes of this subdivision, in calculating such five year period, any period of time during which the defendant was incarcerated for any reason between the time of the commission of any such previous crime and the time of commission of the present crime shall be excluded and such five year period shall be extended by a period or periods equal to the time served under such incarceration.~~]

§ 2. This act shall take effect immediately.

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

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