

STATE OF NEW YORK

9556

IN ASSEMBLY

January 24, 2020

Introduced by M. of A. WALLACE, FAHY, GRIFFIN, McMAHON, BURKE, JONES, BUTTENSCHON, WOERNER, LUPARDO -- 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 certain qualifying offenses

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~~ title; ~~or~~

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) any of the following offenses where the defendant is required to
20 maintain registration under article six-C of the correction law and
21 designated a level two or level three offender pursuant to subdivision
22 six of section one hundred sixty-eight-1 of the correction law: endan-
23 gering the welfare of a child as defined in section 260.10 of the penal
24 law; public lewdness as defined in section 245.00 of the penal law;
25 exposure of a person as defined in section 245.01 of the penal law;
26 public lewdness in the first degree as defined in section 245.03 of the
27 penal law.

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

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

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

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

(x) any of the following offenses where the defendant is required to maintain registration under article six-C of the correction law and designated a level two or level three offender pursuant to subdivision six of section one hundred sixty-eight-1 of the correction law: endangering the welfare of a child as defined in section 260.10 of the penal law; public lewdness as defined in section 245.00 of the penal law; exposure of a person as defined in section 245.01 of the penal law; public lewdness in the first degree as defined in section 245.03 of the penal law.

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

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

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

(j) any of the following offenses where the defendant is required to maintain registration under article six-C of the correction law and designated a level two or level three offender pursuant to subdivision six of section one hundred sixty-eight-1 of the correction law: endangering the welfare of a child as defined in section 260.10 of the penal law; public lewdness as defined in section 245.00 of the penal law; exposure of a person as defined in section 245.01 of the penal law; public lewdness in the first degree as defined in section 245.03 of the penal law.

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