

STATE OF NEW YORK

9561

IN ASSEMBLY

January 24, 2020

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

AN ACT to amend the criminal procedure law, in relation to directing courts to consider a principal's primary residence location in relation to the location of the court they are required to return to for a future appearance as a factor in determining whether to fix bail

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

1 Section 1. Subdivision 1 of section 510.30 of the criminal procedure
2 law, as amended by section 5 of part JJJ of chapter 59 of the laws of
3 2019, is amended to read as follows:

4 1. With respect to any principal, the court in all cases, unless
5 otherwise provided by law, must impose the least restrictive kind and
6 degree of control or restriction that is necessary to secure the principal's return to court when required. In determining that matter, the
7 court must, on the basis of available information, consider and take
8 into account information about the principal that is relevant to the
9 principal's return to court, including:

10 (a) The principal's activities and history;

11 (b) If the principal is a defendant, the charges facing the principal;

12 (c) The principal's criminal conviction record if any;

13 (d) The principal's record of previous adjudication as a juvenile
14 delinquent, as retained pursuant to section 354.2 of the family court
15 act, or, of pending cases where fingerprints are retained pursuant to
16 section 306.1 of such act, or a youthful offender, if any;

17 (e) The principal's previous record with respect to flight to avoid
18 criminal prosecution;

19 (f) If monetary bail is authorized, according to the restrictions set
20 forth in this title, the principal's individual financial circumstances,
21 and, in cases where bail is authorized, the principal's ability to post
22 bail without posing undue hardship, as well as his or her ability to
23 obtain a secured, unsecured, or partially secured bond;

24 (g) Where the principal is charged with a crime or crimes against a
25 member or members of the same family or household as that term is
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14779-01-0

1 defined in subdivision one of section 530.11 of this title, the follow-
2 ing factors:

3 (i) any violation by the principal of an order of protection issued by
4 any court for the protection of a member or members of the same family
5 or household as that term is defined in subdivision one of section
6 530.11 of this title, whether or not such order of protection is
7 currently in effect; and

8 (ii) the principal's history of use or possession of a firearm; [~~and~~]

9 (h) If the principal is a defendant, in the case of an application for
10 a securing order pending appeal, the merit or lack of merit of the
11 appeal; and

12 (i) whether the principal's primary residence is located one hundred
13 miles or more from the location of the court in which the principal is
14 scheduled to return for a future appearance.

15 § 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on the same date and in the same
17 manner as part JJJ of chapter 59 of the laws of 2019 took effect.