STATE OF NEW YORK

9938

IN ASSEMBLY

February 27, 2020

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

AN ACT to amend the criminal procedure law, in relation to requiring the people to serve defendants notice alleging that the defendant and the person alleged to be the victim of such crime were members of the same family or household

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

Section 1. Subdivision 1 of section 370.15 of the criminal procedure law, as added by chapter 60 of the laws of 2018, is amended to read as follows:

1. When a defendant has been charged with assault in the third degree, menacing in the third degree, menacing in the second degree, criminal obstruction of breathing or blood circulation, unlawful imprisonment in the second degree, coercion in the third degree, criminal tampering in the third degree, criminal contempt in the second degree, harassment in the first degree, aggravated harassment in the second degree, criminal trespass in the third degree, criminal trespass in the second degree, arson in the fifth degree, or attempt to commit any of the above-listed offenses, the people [~~may~~] **shall**, at arraignment or no later than forty-five days after arraignment, serve on the defendant and file with the court a notice alleging that the defendant and the person alleged to be the victim of such crime were members of the same family or household as defined in subdivision one of section 530.11 of this chapter.

§ 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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