STATE OF NEW YORK

6840

2019-2020 Regular Sessions

IN SENATE

November 8, 2019

Introduced by Sens. SERINO, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to setting bail for defendants that pose a threat to public safety

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

Section 1. Subdivision 1 of section 510.10 of the criminal procedure law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

1. When a principal, whose future court attendance at a criminal action or proceeding is or may be required, comes under the control of a court, such court shall, in accordance with this title, by a securing order release the principal on the principal's own recognizance, release the principal under non-monetary conditions, or, where authorized, fix bail or commit the principal to the custody of the sheriff. In all such cases, except where another type of securing order is shown to be required by law, the court shall release the principal pending trial on the principal's own recognizance, unless it is demonstrated and the court makes an individualized determination that the principal poses a risk of flight to avoid prosecution **or it is demonstrated and the court makes an individualized determination that the principal poses a current physical danger to the safety of any crime victim, person or the community**. [~~If such a finding is made, the court must select the least restrictive alternative and condition or conditions that will reasonably assure the principal's return to court.~~] The court shall explain its choice of release, release with conditions, bail or remand on the record or in writing.

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

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

LBD13954-03-9