

# STATE OF NEW YORK

6929

2019-2020 Regular Sessions

## IN SENATE

December 27, 2019

Introduced by Sen. KAMINSKY -- 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 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;

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

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1 public lewdness in the first degree as defined in section 245.03 of the  
2 penal law.

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

7 (viii) criminal contempt in the second degree as defined in subdivi-  
8 sion three of section 215.50 of the penal law, criminal contempt in the  
9 first degree as defined in subdivision (b), (c) or (d) of section 215.51  
10 of the penal law or aggravated criminal contempt as defined in section  
11 215.52 of the penal law, and the underlying allegation of such charge of  
12 criminal contempt in the second degree, criminal contempt in the first  
13 degree or aggravated criminal contempt is that the defendant violated a  
14 duly served order of protection where the protected party is a member of  
15 the defendant's same family or household as defined in subdivision one  
16 of section 530.11 of this article; ~~[or]~~

17 (ix) facilitating a sexual performance by a child with a controlled  
18 substance or alcohol as defined in section 263.30 of the penal law, use  
19 of a child in a sexual performance as defined in section 263.05 of the  
20 penal law or luring a child as defined in subdivision one of section  
21 120.70 of the penal law; or

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

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

34 (h) criminal contempt in the second degree as defined in subdivision  
35 three of section 215.50 of the penal law, criminal contempt in the first  
36 degree as defined in subdivision (b), (c) or (d) of section 215.51 of  
37 the penal law or aggravated criminal contempt as defined in section  
38 215.52 of the penal law, and the underlying allegation of such charge of  
39 criminal contempt in the second degree, criminal contempt in the first  
40 degree or aggravated criminal contempt is that the defendant violated a  
41 duly served order of protection where the protected party is a member of  
42 the defendant's same family or household as defined in subdivision one  
43 of section 530.11 of this article; ~~[or]~~

44 (i) facilitating a sexual performance by a child with a controlled  
45 substance or alcohol as defined in section 263.30 of the penal law, use  
46 of a child in a sexual performance as defined in section 263.05 of the  
47 penal law or luring a child as defined in subdivision one of section  
48 120.70 of the penal law; or

49 (j) any of the following offenses where the defendant is required to  
50 maintain registration under article six-C of the correction law and  
51 designated a level two or level three offender pursuant to subdivision  
52 six of section one hundred sixty-eight-1 of the correction law: endan-  
53 gering the welfare of a child as defined in section 260.10 of the penal  
54 law; public lewdness as defined in section 245.00 of the penal law;  
55 exposure of a person as defined in section 245.01 of the penal law;



1 public lewdness in the first degree as defined in section 245.03 of the  
2 penal law.

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