

STATE OF NEW YORK

7110

IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sens. SKOUFIS, KAPLAN, KAMINSKY, BROOKS, GAUGHRAN, METZGER, MARTINEZ, GOUNARDES, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the electronic monitoring of persons charged with a crime

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

1 Section 1. Subdivision 21 of section 500.10 of the criminal procedure
2 law, as added by section 1-f of part JJJ of chapter 59 of the laws of
3 2019, is amended to read as follows:

4 21. "Qualifies for electronic monitoring," for purposes of subdivision
5 four of section 510.40 of this title, means a person charged with a
6 felony, a misdemeanor crime of domestic violence, a misdemeanor defined
7 in article one hundred thirty of the penal law, a crime and the circum-
8 stances of paragraph (b) of subdivision two of section 530.60 of this
9 title apply, or any misdemeanor where the defendant stands previously
10 convicted[~~, within the past five years,~~] of a violent felony offense as
11 defined in section 70.02 of the penal law. [~~For the purposes of this~~
12 ~~subdivision, in calculating such five year period, any period of time~~
13 ~~during which the defendant was incarcerated for any reason between the~~
14 ~~time of the commission of any such previous crime and the time of~~
15 ~~commission of the present crime shall be excluded and such five year~~
16 ~~period shall be extended by a period or periods equal to the time served~~
17 ~~under such incarceration.~~]

18 § 2. This act shall take effect immediately.

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

LBD14628-01-0