

STATE OF NEW YORK

7205

IN SENATE

January 10, 2020

Introduced by Sen. AKSHAR -- 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 ensuring repeat offenders qualify for bail and pre-trial detention

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 and a new paragraph (j) is
4 added to read as follows:

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

15 (i) facilitating a sexual performance by a child with a controlled
16 substance or alcohol as defined in section 263.30 of the penal law, use
17 of a child in a sexual performance as defined in section 263.05 of the
18 penal law or luring a child as defined in subdivision one of section
19 120.70 of the penal law~~[-]~~; or

20 (j) any other felony offense and the principal has been convicted of
21 one or more felony offenses within the immediate preceding ten years.

22 § 2. Subparagraphs (viii) and (ix) of paragraph (b) of subdivision 1
23 of section 530.20 of the criminal procedure law, as added by section 16
24 of part JJJ of chapter 59 of the laws of 2019, are amended and a new
25 subparagraph (x) is added to read as follows:

26 (viii) criminal contempt in the second degree as defined in subdivi-
27 sion three of section 215.50 of the penal law, criminal contempt in the
28 first degree as defined in subdivision (b), (c) or (d) of section 215.51

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

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1 of the penal law or aggravated criminal contempt as defined in section
2 215.52 of the penal law, and the underlying allegation of such charge of
3 criminal contempt in the second degree, criminal contempt in the first
4 degree or aggravated criminal contempt is that the defendant violated a
5 duly served order of protection where the protected party is a member of
6 the defendant's same family or household as defined in subdivision one
7 of section 530.11 of this article; ~~[ex]~~

8 (ix) facilitating a sexual performance by a child with a controlled
9 substance or alcohol as defined in section 263.30 of the penal law, use
10 of a child in a sexual performance as defined in section 263.05 of the
11 penal law or luring a child as defined in subdivision one of section
12 120.70 of the penal law~~[-]~~; or

13 (x) any other felony offense and the principal has been convicted of
14 one or more felony offenses within the immediate preceding ten years.

15 § 3. Paragraphs (h) and (i) of subdivision 4 of section 530.40 of the
16 criminal procedure law, as added by section 18 of part JJJ of chapter 59
17 of the laws of 2019, are amended and a new paragraph (j) is added to
18 read as follows:

19 (h) criminal contempt in the second degree as defined in subdivision
20 three of section 215.50 of the penal law, criminal contempt in the first
21 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
22 the penal law or aggravated criminal contempt as defined in section
23 215.52 of the penal law, and the underlying allegation of such charge of
24 criminal contempt in the second degree, criminal contempt in the first
25 degree or aggravated criminal contempt is that the defendant violated a
26 duly served order of protection where the protected party is a member of
27 the defendant's same family or household as defined in subdivision one
28 of section 530.11 of this article; ~~[ex]~~

29 (i) facilitating a sexual performance by a child with a controlled
30 substance or alcohol as defined in section 263.30 of the penal law, use
31 of a child in a sexual performance as defined in section 263.05 of the
32 penal law or luring a child as defined in subdivision one of section
33 120.70 of the penal law~~[-]~~; or

34 (j) any other felony offense and the principal has been convicted of
35 one or more felony offenses within the immediate preceding ten years.

36 § 4. This act shall take effect immediately.