

STATE OF NEW YORK

7723

IN SENATE

February 11, 2020

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of criminal circumvention of bail reform

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

1 Section 1. The penal law is amended by adding a new section 195.25 to
2 read as follows:

3 § 195.25 Criminal circumvention of bail reform.

4 A prosecutor, district attorney, law enforcement officer or any other
5 public servant who represents the state in an action, including, but not
6 limited to, employees and agents, is guilty of criminal circumvention of
7 bail reform when he or she knowingly strategize to inflate charges
8 against an individual in order to evade bail reform provisions pursuant
9 to part JJJ of chapter fifty-nine of the laws of two thousand nineteen.
10 For the purposes of this section:

11 1. "Inflate charges" shall mean when a prosecutor, district attorney,
12 law enforcement officer and/or any other public servant who represents
13 the state charges an individual with a more serious crime than the one
14 such individual committed; and

15 2. "Knowingly strategize" shall include, but not be limited to the
16 hiring of an outside independent contractor to assist and create a plan
17 and/or mechanisms to inflate charges against an individual.

18 Criminal circumvention of bail reform is a class A misdemeanor.

19 § 2. This act shall take effect immediately.

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

LBD14947-01-0