STATE OF NEW YORK

8665

IN SENATE

July 2, 2020

Introduced by Sen. MARTINEZ -- 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 the application of bail in sex trafficking and labor trafficking cases

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

Section 1. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the criminal procedure law, as added by section 2 of part UU of chapter 56 of the laws of 2020, are amended and two new paragraphs (u) and (v) are added to read as follows:

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance or released under conditions for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[~~.~~]**;**

(u) a crime involving promoting prostitution under section 230.25, 230.30 or 230.32 of the penal law, compelling prostitution as defined in section 230.33 of the penal law or sex trafficking as defined in section 230.34 of the penal law; or

(v) labor trafficking as defined in section 135.35 of the penal law or aggravated labor trafficking as defined in section 135.37 of the penal law.

§ 2. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3 of part UU of chapter 56 of the laws of 2020, are amended and two new subparagraphs (xxi) and (xxii) are added to read as follows:

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

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(xix) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(xx) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance or released under conditions for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[~~.~~];

(xxi) a crime involving promoting prostitution under section 230.25, 230.30 or 230.32 of the penal law, compelling prostitution as defined in section 230.33 of the penal law or sex trafficking as defined in section 230.34 of the penal law; or

(xxii) labor trafficking as defined in section 135.35 of the penal law or aggravated labor trafficking as defined in section 135.37 of the penal law.

§ 3. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the criminal procedure law, as added by section 4 of part UU of chapter 56 of the laws of 2020, are amended and two new paragraphs (u) and (v) are added to read as follows:

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance or released under conditions for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[~~.~~];

(u) a crime involving promoting prostitution under section 230.25, 230.30 or 230.32 of the penal law, compelling prostitution as defined in section 230.33 of the penal law or sex trafficking as defined in section 230.34 of the penal law; or

(v) labor trafficking as defined in section 135.35 of the penal law or aggravated labor trafficking as defined in section 135.37 of the penal law.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that if part UU of chapter 56 of the laws of 2020 shall not have taken effect on or before such date then this act shall take effect on the same date and in the same manner as such part takes effect.