

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:

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

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

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

17 (u) a crime involving promoting prostitution under section 230.25,
18 230.30 or 230.32 of the penal law, compelling prostitution as defined in
19 section 230.33 of the penal law or sex trafficking as defined in section
20 230.34 of the penal law; or

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

24 § 2. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
25 section 530.20 of the criminal procedure law, as amended by section 3 of
26 part UU of chapter 56 of the laws of 2020, are amended and two new
27 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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1 (xix) a felony, where the defendant qualifies for sentencing on such
2 charge as a persistent felony offender pursuant to section 70.10 of the
3 penal law; [✗]

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

13 (xxi) a crime involving promoting prostitution under section 230.25,
14 230.30 or 230.32 of the penal law, compelling prostitution as defined in
15 section 230.33 of the penal law or sex trafficking as defined in section
16 230.34 of the penal law; or

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

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

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

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

36 (u) a crime involving promoting prostitution under section 230.25,
37 230.30 or 230.32 of the penal law, compelling prostitution as defined in
38 section 230.33 of the penal law or sex trafficking as defined in section
39 230.34 of the penal law; or

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

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