STATE OF NEW YORK

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1705

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021
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Introduced by M. of A. SANTABARBARA, BARNWELL, JONES, THIELE, BUTTENS-
  CHON, ABBATE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to setting bail
   for defendants who pose a threat to public safety

   **The People of the State of New York, represented in Senate and Assem-
   bly, do enact as follows:**

 1   Section 1. Subdivision 1 of section 510.10 of the criminal procedure
 2   law, as amended by section 2 of part JJJ of chapter 59 of the laws of
 3   2019, is amended to read as follows:
 4   1. When a principal, whose future court attendance at a criminal
 5   action or proceeding is or may be required, comes under the control of a
 6   court, such court shall, in accordance with this title, by a securing
 7   order release the principal on the principal's own recognizance, release
 8   the principal under non-monetary conditions, or, where authorized, fix
 9   bail or commit the principal to the custody of the sheriff. In all such
10   cases, except where another type of securing order is shown to be
11   required by law, the court shall release the principal pending trial on
12   the principal's own recognizance, unless it is demonstrated and the
13   court makes an individualized determination that the principal poses a
14   risk of flight to avoid prosecution[. If such a finding is made, the
15   court must select the least restrictive alternative and condition or
16   conditions that will reasonably assure the principal's return to court]
17   **or it is demonstrated and the court makes an individualized determi-
18   nation based on the principal's record of a prior felony conviction, a
19   failure to appear in court or if the principal is arrested during the
20   interim period while awaiting a preliminary hearing or trial**. The court
21   shall explain its choice of release, release with conditions, bail or
22   remand on the record or in writing.
23   § 2. This act shall take effect immediately.

      EXPLANATION--Matter in **_italics_** (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.
                                                              LBD04305-01-1