

# STATE OF NEW YORK

---

2023

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

---

Introduced by M. of A. BARNWELL -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the electronic monitoring of persons charged with a crime

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

1 Section 1. Subdivision 21 of section 500.10 of the criminal procedure  
2 law, as added by section 1-f of part JJJ of chapter 59 of the laws of  
3 2019, is amended to read as follows:

4 21. "Qualifies for electronic monitoring," for purposes of subdivision  
5 four of section 510.40 of this title, means a person charged with a  
6 felony, a misdemeanor crime of domestic violence, a misdemeanor defined  
7 in article one hundred thirty of the penal law, a crime and the circum-  
8 stances of paragraph (b) of subdivision two of section 530.60 of this  
9 title apply, or any misdemeanor where the defendant stands previously  
10 convicted[~~, within the past five years,~~] of a violent felony offense as  
11 defined in section 70.02 of the penal law. [~~For the purposes of this~~  
12 ~~subdivision, in calculating such five year period, any period of time~~  
13 ~~during which the defendant was incarcerated for any reason between the~~  
14 ~~time of the commission of any such previous crime and the time of~~  
15 ~~commission of the present crime shall be excluded and such five year~~  
16 ~~period shall be extended by a period or periods equal to the time served~~  
17 ~~under such incarceration.~~]

18 § 2. This act shall take effect immediately.

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

LBD07025-01-1