

STATE OF NEW YORK

2572

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

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

AN ACT to amend the criminal procedure law, in relation to directing courts to consider a principal's primary residence location in relation to the location of the court they are required to return to for a future appearance as a factor in determining whether to fix bail

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

- 1 Section 1. Subdivision 1 of section 510.30 of the criminal procedure
2 law, as amended by section 5 of part JJJ of chapter 59 of the laws of
3 2019, is amended to read as follows:
4 1. With respect to any principal, the court in all cases, unless
5 otherwise provided by law, must impose the least restrictive kind and
6 degree of control or restriction that is necessary to secure the principal's
7 return to court when required. In determining that matter, the
8 court must, on the basis of available information, consider and take
9 into account information about the principal that is relevant to the
10 principal's return to court, including:
11 (a) The principal's activities and history;
12 (b) If the principal is a defendant, the charges facing the principal;
13 (c) The principal's criminal conviction record if any;
14 (d) The principal's record of previous adjudication as a juvenile
15 delinquent, as retained pursuant to section 354.2 of the family court
16 act, or, of pending cases where fingerprints are retained pursuant to
17 section 306.1 of such act, or a youthful offender, if any;
18 (e) The principal's previous record with respect to flight to avoid
19 criminal prosecution;
20 (f) If monetary bail is authorized, according to the restrictions set
21 forth in this title, the principal's individual financial circumstances,
22 and, in cases where bail is authorized, the principal's ability to post

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

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1 bail without posing undue hardship, as well as his or her ability to
2 obtain a secured, unsecured, or partially secured bond;

3 (g) Where the principal is charged with a crime or crimes against a
4 member or members of the same family or household as that term is
5 defined in subdivision one of section 530.11 of this title, the follow-
6 ing factors:

7 (i) any violation by the principal of an order of protection issued by
8 any court for the protection of a member or members of the same family
9 or household as that term is defined in subdivision one of section
10 530.11 of this title, whether or not such order of protection is
11 currently in effect; and

12 (ii) the principal's history of use or possession of a firearm; ~~and~~

13 (h) If the principal is a defendant, in the case of an application for
14 a securing order pending appeal, the merit or lack of merit of the
15 appeal; and

16 (i) whether the principal's primary residence is located one hundred
17 miles or more from the location of the court in which the principal is
18 scheduled to return for a future appearance.

19 § 2. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on January 1, 2020.