

STATE OF NEW YORK

6947

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sens. SERINO, AKSHAR, BORRELLO, GALLIVAN, HELMING, JORDAN, O'MARA, ORTT, RITCHIE, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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

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

1 Section 1. Subdivision 1 of section 510.10 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 or it is demonstrated and the court
15 makes an individualized determination that the principal poses a current
16 physical danger to the safety of any crime victim, person or the commu-
17 nity. [~~If such a finding is made, the court must select the least~~
18 ~~restrictive alternative and condition or conditions that will reasonably~~
19 ~~assure the principal's return to court.~~] The court shall explain its
20 choice of release, release with conditions, bail or remand on the record
21 or in writing.

22 § 2. This act shall take effect immediately.

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

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