STATE OF NEW YORK

7067

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

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

AN ACT to amend the criminal procedure law, in relation to adding a defendant's identifiable ties to the community, state, and/or county to judges' considerations of whether to fix a securing order

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

Section 1. Paragraphs (i) and (j) of subdivision 1 of section 510.10 of the criminal procedure law, as added by section 1 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (k) is added to read as follows:

(i) Whether the charge is alleged to have caused serious harm to an individual or group of individuals; [~~and~~]

(j) If the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal[~~.~~]; and

(k) If the principal is a defendant, whether the principal has two or more identifiable ties to the community, state, and/or county, including, but not limited to:

(i) residence;

(ii) employment;

(iii) enrollment with an educational institution;

(iv) immediate family.

§ 2. Paragraphs (i) and (j) of subdivision 1 of section 510.30 of the criminal procedure law, as amended by section 2 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (k) is added to read as follows:

(i) whether the charge is alleged to have caused serious harm to an individual or group of individuals; [~~and~~]

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

LBD11016-01-3

(j) If the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal[~~.~~]; and

(k) If the principal is a defendant, whether the principal has two or more identifiable ties to the community, state, and/or county, including, but not limited to:

(i) residence;

(ii) employment;

(iii) enrollment with an educational institution;

(iv) immediate family.

§ 3. Subparagraphs (ix) and (x) of paragraph (a) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and a new subparagraph (xi) is added to read as follows:

(ix) whether the charge is alleged to have caused serious harm to an individual or group of individuals; [~~and~~]

(x) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal[~~.~~]; and

(xi) if the principal is a defendant, whether the principal has two or more identifiable ties to the community, state, and/or county, including, but not limited to:

(1) residence;

(2) employment;

(3) enrollment with an educational institution;

(4) immediate family.

§ 4. Paragraphs (i) and (j) of subdivision 3 of section 530.40 of the criminal procedure law, as added by section 3 of subpart B of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (k) is added to read as follows:

(i) whether the charge is alleged to have caused serious harm to an individual or group of individuals; [~~and~~]

(j) if the principal is a defendant, in the case of an application for a securing order pending appeal, the merit or lack of merit of the appeal[~~.~~]; and

(k) if the principal is a defendant, whether the principal has two or more identifiable ties to the community, state, and/or county, including, but not limited to:

(i) residence;

(ii) employment;

(iii) enrollment with an educational institution;

(iv) immediate family.

§ 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.