STATE OF NEW YORK

6067

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sen. CANZONERI-FITZPATRICK -- 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 factors for the issuance of an order of recognizance or bail

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

Section 1. Paragraphs (g), (h), (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 two new paragraphs (k) and (l) are added to read as follows:

(g) [~~any violation by the principal of an order of protection issued by any court~~] **Any order of protection issued by any court against the principal for the protection of a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this title, whether or not such order of protection is currently in effect and any violation by the principal of any such order of protection**;

(h) [~~the~~] **The** principal's history of use or possession of a firearm;

(i) [~~whether~~] **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[~~.~~]**;**

(k) Any history of prior acts of violence or threats of violence against a witness in the pending criminal action; and

(l) Any prior arrest or conviction for a crime or violation against a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this title.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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