STATE OF NEW YORK

3379

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

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:

Section 1. 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, is amended to read as follows:

1. With respect to any principal, the court in all cases, unless otherwise provided by law, must impose the least restrictive kind and degree of control or restriction that is necessary to secure the principal's return to court when required. In determining that matter, the court must, on the basis of available information, consider and take into account information about the principal that is relevant to the principal's return to court, including:

(a) The principal's activities and history;

(b) If the principal is a defendant, the charges facing the principal;

(c) The principal's criminal conviction record if any;

(d) The principal's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.2 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;

(e) The principal's previous record with respect to flight to avoid criminal prosecution;

(f) If monetary bail is authorized, according to the restrictions set forth in this title, the principal's individual financial circumstances, 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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bail without posing undue hardship, as well as his or her ability to obtain a secured, unsecured, or partially secured bond;

(g) any violation by the principal of an order of protection issued by any court;

(h) the principal's history of use or possession of a firearm;

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

§ 2. This act shall take effect immediately.