

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:

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

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

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

10 (k) If the principal is a defendant, whether the principal has two or
11 more identifiable ties to the community, state, and/or county, includ-
12 ing, but not limited to:

13 (i) residence;

14 (ii) employment;

15 (iii) enrollment with an educational institution;

16 (iv) immediate family.

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

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

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

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

4 (k) If the principal is a defendant, whether the principal has two or
5 more identifiable ties to the community, state, and/or county, includ-
6 ing, but not limited to:

7 (i) residence;

8 (ii) employment;

9 (iii) enrollment with an educational institution;

10 (iv) immediate family.

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

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

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

20 (xi) if the principal is a defendant, whether the principal has two or
21 more identifiable ties to the community, state, and/or county, includ-
22 ing, but not limited to:

23 (1) residence;

24 (2) employment;

25 (3) enrollment with an educational institution;

26 (4) immediate family.

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

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

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

36 (k) if the principal is a defendant, whether the principal has two or
37 more identifiable ties to the community, state, and/or county, includ-
38 ing, but not limited to:

39 (i) residence;

40 (ii) employment;

41 (iii) enrollment with an educational institution;

42 (iv) immediate family.

43 § 5. This act shall take effect on the first of November next succeed-
44 ing the date on which it shall have become a law.