

STATE OF NEW YORK

8026

2023-2024 Regular Sessions

IN ASSEMBLY

September 13, 2023

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

AN ACT to amend the criminal procedure law, in relation to providing for the ability of a court to set bail for repeat offenses

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

1 Section 1. Subdivision 3 of section 510.10 of the criminal procedure
2 law, as amended by section 2 of subpart A of part VV of chapter 56 of
3 the laws of 2023, is amended and a new subdivision 3-a is added to read
4 as follows:

5 3. In cases other than as described in subdivision three-a or four of
6 this section, the court shall release the principal pending trial on the
7 principal's own recognizance, unless the court finds on the record or in
8 writing that release on the principal's own recognizance will not
9 reasonably assure the principal's return to court. In such instances,
10 the court shall release the principal under non-monetary conditions as
11 provided for in subdivision three-a of section 500.10 of this title that
12 will reasonably assure the principal's return to court. The court shall
13 explain its choice of securing order on the record or in writing.

14 3-a. In cases other than as described in subdivision four of this
15 section, where the principal stands charged for the third time for the
16 same offense within a period of two years, the court, unless otherwise
17 prohibited by law, may in its discretion release the principal pending
18 trial on the principal's own recognizance or under non-monetary condi-
19 tions, fix bail, or order non-monetary conditions in conjunction with
20 fixing bail, or, where the defendant is charged with an offense which is
21 a felony, the court may commit the principal to the custody of the sher-
22 iff.

23 § 2. Paragraph (a) of subdivision 1 of section 530.20 of the criminal
24 procedure law, as amended by section 6 of subpart A of part VV of chap-

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

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ter 56 of the laws of 2023, is amended and a new paragraph (a-1) is added to read as follows:

(a) In cases other than as described in paragraph (a-1) or (b) of this subdivision, the court shall release the principal pending trial on the principal's own recognizance or release the principal pending trial under non-monetary conditions, the determination for which shall be made in accordance with subdivision one of section 510.10 of this title. The court shall explain the basis for its determination and choice of securing order on the record or in writing.

(a-1) In cases other than as described in paragraph (b) of this subdivision, where the principal stands charged for the third time for the same offense within a period of two years, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, or order non-monetary conditions in conjunction with fixing bail, or, where the defendant is charged with an offense which is a felony, the court may commit the principal to the custody of the sheriff.

§ 3. Subdivision 3 of section 530.40 of the criminal procedure law, as amended by section 8 of subpart A of part VV of chapter 56 of the laws of 2023, is amended and a new subdivision 3-a is added to read as follows:

3. In cases other than as described in subdivision three-a or four of this section the court shall release the principal pending trial on the principal's own recognizance or release the principal pending trial under non-monetary conditions, the determination for which shall be made in accordance with section 510.10 of this title. The court shall explain the basis for its determination and choice of securing order on the record or in writing.

3-a. In cases other than as described in subdivision four of this section, where the principal stands charged for the third time for the same offense within a period of two years, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, or order non-monetary conditions in conjunction with fixing bail, or, where the defendant is charged with an offense which is a felony, the court may commit the principal to the custody of the sheriff.

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