STATE OF NEW YORK

3150

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. PALUMBO -- 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 allowing judges more options for when to impose bail or commit the principal to the custody of the sheriff

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

Section 1. Paragraph (a) of subdivision 4 of section 510.10 of the criminal procedure law, as amended by section 2 of part UU of chapter 56 of the laws of 2020, is amended and a new paragraph (j-1) is added to read as follows:

(a) a felony enumerated in section 70.02 of the penal law[~~, other than robbery in the second degree as defined in subdivision one of section 160.10 of the penal law~~], provided, however, that burglary in the second degree as defined in subdivision two of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling;

(j-1) a crime which resulted in death or serious physical injury;

§ 2. Subparagraph (i) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3 of part UU of chapter 56 of the laws of 2020, is amended and a new subparagraph (x-1) is added to read as follows:

(i) a felony enumerated in section 70.02 of the penal law[~~, other than robbery in the second degree as defined in subdivision one of section 160.10 of the penal law~~], provided, however, that burglary in the second degree as defined in subdivision two of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling;

(x-1) a crime which resulted in death or serious physical injury;

§ 3. Paragraph (a) of subdivision 4 of section 530.40 of the criminal procedure law, as amended by section 4 of part UU of chapter 56 of the

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

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laws of 2020, is amended and a new paragraph (j-1) is added to read as follows:

(a) a felony enumerated in section 70.02 of the penal law[~~, other than robbery in the second degree as defined in subdivision one of section 160.10 of the penal law~~], provided, however, that burglary in the second degree as defined in subdivision two of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling;

(j-1) a crime which resulted in death or serious physical injury;

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