STATE OF NEW YORK

5335

2023-2024 Regular Sessions

IN SENATE

March 2, 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 setting bail for defendants that pose a threat to public safety

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

Section 1. The opening paragraph of subdivision 1 of section 510.10 of the criminal procedure law, as amended by section 1 of subpart C of part UU of chapter 56 of the laws of 2022, is amended to read as follows:

When a principal, whose future court attendance at a criminal action or proceeding is or may be required, comes under the control of a court, such court shall, in accordance with this title, by a securing order release the principal on the principal's own recognizance, release the principal under non-monetary conditions, or, where authorized, fix bail or commit the principal to the custody of the sheriff. In all such cases, except where another type of securing order is shown to be required by law, the court shall release the principal pending trial on the principal's own recognizance, unless it is demonstrated and the court makes an individualized determination that the principal poses a risk of flight to avoid prosecution **or it is demonstrated and the court makes an individualized determination that the principal poses a current physical danger to the safety of any crime victim, person or the community**. [~~If such a finding is made, the court must select the least restrictive alternative and condition or conditions that will reasonably assure the principal's return to court.~~] The court shall explain its choice of release, release with conditions, bail or remand on the record or in writing. In making its determination, the court must consider and take into account available information about the principal, including:

§ 2. This act shall take effect immediately.

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

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