STATE OF NEW YORK

5335--A

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sens. CANZONERI-FITZPATRICK, BORRELLO, MARTINS, MATTERA, MURRAY, OBERACKER, PALUMBO, RHOADS, STEC, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 2 of subpart A of part VV of chapter 56 of the laws of 2023, 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 impose a securing order in accordance with this title. Except as otherwise required by law, the court shall make an individualized determination as to whether the principal poses **a current physical danger to the safety of any crime victim, person or the community and make an individualized determination as to whether the principal poses** a risk of flight to avoid prosecution[~~,~~]**. The court shall** consider the kind and degree of control or restriction necessary to reasonably assure the principal's return to court **and the safety of any crime victim, person or the community**, and select a securing order consistent with its determination under this subdivision. The court shall explain the basis for its determination and its choice of securing order on the record or in writing. In making a determination under this subdivision, 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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