

STATE OF NEW YORK

848

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the criminal procedure law, in relation to bail and domestic violence charges

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

1 Section 1. Subdivision 1 of section 510.10 of the criminal procedure
2 law, as amended by section 1 of subpart C of part UU of chapter 56 of
3 the laws of 2022, the opening paragraph as amended by section 2 of
4 subpart A of part VV of chapter 56 of the laws of 2023, is amended to
5 read as follows:

6 1. When a principal, whose future court attendance at a criminal
7 action or proceeding is or may be required, comes under the control of a
8 court, such court shall impose a securing order in accordance with this
9 title. Except as otherwise required by law, the court shall make an
10 individualized determination as to whether the principal poses a risk of
11 flight to avoid prosecution or where the principal stands charged with a
12 crime or crimes against a member or members of the same family or house-
13 hold as that term is defined in subdivision one of section 530.11 of
14 this title, consider the [~~kind and degree of control or restriction~~]
15 least restrictive alternative and condition or conditions necessary to
16 reasonably assure the principal's return to court, and select a securing
17 order consistent with its determination under this subdivision. The
18 court shall explain the basis for its determination that the principal
19 poses a risk of flight to avoid prosecution and its choice of securing
20 order on the record or in writing. In making a determination under this
21 subdivision, the court must consider and take into account available
22 information about the principal, including:

23 (a) The principal's activities and history;

24 (b) If the principal is a defendant, the charges facing the principal;

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

LBD03264-01-5

- 1 (c) The principal's criminal conviction record if any;
- 2 (d) The principal's record of previous adjudication as a juvenile
3 delinquent, as retained pursuant to section 354.1 of the family court
4 act, or, of pending cases where fingerprints are retained pursuant to
5 section 306.1 of such act, or a youthful offender, if any;
- 6 (e) The principal's previous record with respect to flight to avoid
7 criminal prosecution;
- 8 (f) If monetary bail is authorized, according to the restrictions set
9 forth in this title, the principal's individual financial circumstances,
10 and, in cases where bail is authorized, the principal's ability to post
11 bail without posing undue hardship, as well as [~~his or her~~] such princi-
12 pal's ability to obtain a secured, unsecured, or partially secured bond;
- 13 (g) Any violation by the principal of an order of protection issued by
14 any court;
- 15 (h) The principal's history of use or possession of a firearm;
- 16 (i) Whether the charge is alleged to have caused serious harm to an
17 individual or group of individuals; and
- 18 (j) If the principal is a defendant, in the case of an application for
19 a securing order pending appeal, the merit or lack of merit of the
20 appeal[-];
- 21 (k) Any history of prior acts of violence or threats of violence
22 against a witness in the pending criminal action;
- 23 (l) Any order of protection issued by any court against the principal
24 for the protection of a member or members of the same family or house-
25 hold as that term is defined in subdivision one of section 530.11 of
26 this title, whether or not such order is currently in effect; and
- 27 (m) Any prior arrest or conviction for a crime or violation against a
28 member or members of the same family or household as that term is
29 defined in subdivision one of section 530.11 of this title.
- 30 § 2. This act shall take effect on the ninetieth day after it shall
31 have become a law.