



New York State YMCA
Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate Liberty 4

Bill #:SL-31

1 **Sponsors:** Aidan B. Wisniewski – Campo, Ricardo D. Sobrevinas, Joshua Rabin

2
3 **An Act** to amend the New York State Criminal Procedure Law §530.45–1 to
4 impose certain modifications for a securing order

5
6 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*
7

8 **Purpose :** Assure that defendants convicted of Class A, B, C, D and E felonies
9 committed against those under the age of 18 are subjected to a securing order and
10 immediate fixed bail post-conviction and before sentencing.
11

12 **Summary of Provisions**

13 **Section 1:** Definitions

14 Securing Order: An order of a court committing a defendant to the custody of the
15 Sheriff or fixing bail, where authorized, or releasing the defendant on his/her own
16 recognizance or releasing the defendant under non-monetary conditions to assure
17 the defendants return to court.

18 Fixed bail: A court fixes bail when, having acquired jurisdiction over a defendant of
19 a principal, it designates a sum of money and stipulates that, if bail in such amount
20 is posted on behalf of the defendant and approved, it will permit him/her to be at
21 liberty during the pendency of the criminal action or proceeding involved.

22 Order of recognizance or bail: A securing order releasing a principal on his own
23 recognizance or fixing bail

24 **Section 2:**

25 1. When the defendant is at liberty in the course of a criminal action as a result of a
26 prior order of recognizance, release under non-monetary conditions or bail and the
27 court revokes such order and then, where authorized, fixes no bail or fixes bail
28 in a greater amount or in a more burdensome form than was previously fixed
29 and remands or commits defendant to the custody of the Sheriff, or issues a
30 more restrictive securing order, a judge designated in subdivision two of this
31 section shall set fixed bail against defendants eighteen years or older convicted of
32 any class felony committed or attempted to have been committed against a person
33 less than eighteen years of age upon conviction and before sentencing. ~~upon~~
34 ~~application of the defendant following conviction of an offense other than a~~
35 ~~class A felony or a class B or class C felony offense as defined in article one~~
36 ~~hundred thirty of the penal law committed or attempted to be committed by~~
37 ~~a person eighteen years of age or older against a person less than eighteen years~~
38 ~~of age, and before sentencing, may issue a securing order and release the~~
39 ~~defendant on the defendant's own recognizance, release the defendant under~~
40 ~~non-monetary conditions, or, where authorized, fix bail or fix bail in a lesser~~



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~~amount or in a less burdensome form, or issue a less restrictive securing order,
than fixed by the court in which the conviction was entered.~~

Justification

Under the existing provision of the "Bail Reform Bill of 2019" potential criminals that commit egregious offenses are readily released on recognizance. This amendment ascertains that criminals who commit offenses to minors (under 18 years of age) are held accountable for inflicting harm and unjustified acts on adolescents. The extent to which New York, and the rest of developing system has sought to alleviate the misfortunes regarding the judicial system has been well intentioned. Seeking to lower burdens on low income offenders is noble by appearance. Though, by enabling perpetrators to escalate further crime on innocent children we open the prospect for further crimes to be committed with the passage to potential freedom. Criminal Justice reform begins with fundamentally reducing incarceration. Inevitably, by allowing criminals that commit crimes on minors we jeopardize public safety and infringe the vow to keep our communities and youth secured. As a result of the growing unrest of crimes committed by children, we should be fostering initiatives that assure the preservation of our youth.

Environmental Implications

There are no environmental implications from the passage of this bill.

Fiscal Implications

Cost per prisoner in the state of New York amounts to \$65,355

Effective Date This act shall take effect immediately.