

# STATE OF NEW YORK

10076

## IN ASSEMBLY

April 29, 2022

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

AN ACT to amend the criminal procedure law, in relation to qualifying offenses for pre-trial detention and bail

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

1 Section 1. Subdivision 4 of section 510.10 of the criminal procedure  
2 law, as amended by section 2 of part UU of chapter 56 of the laws of  
3 2020, is amended to read as follows:

4 4. Where the principal stands charged with a qualifying offense, the  
5 court, unless otherwise prohibited by law, may in its discretion release  
6 the principal pending trial on the principal's own recognizance or under  
7 non-monetary conditions, fix bail, or, where the defendant is charged  
8 with a qualifying offense which is a felony, the court may commit the  
9 principal to the custody of the sheriff. A principal stands charged with  
10 a qualifying offense for the purposes of this subdivision when he or she  
11 stands charged with:

12 (a) a felony enumerated in section 70.02 of the penal law[~~, other than~~  
13 ~~robbery in the second degree as defined in subdivision one of section~~  
14 ~~160.10 of the penal law, provided, however, that burglary in the second~~  
15 ~~degree as defined in subdivision two of section 140.25 of the penal law~~  
16 ~~shall be a qualifying offense only where the defendant is charged with~~  
17 ~~entering the living area of the dwelling~~];

18 (b) a crime involving witness intimidation under section 215.15 of the  
19 penal law;

20 (c) a crime involving witness tampering under section 215.11, 215.12  
21 or 215.13 of the penal law;

22 (d) a class A felony defined in the penal law, provided that for class  
23 A felonies under article two hundred twenty of the penal law, only  
24 [~~class A-I felonies~~] offenses defined in sections 220.18, 220.21,  
25 220.41, 220.43, 220.44 and 220.77 of such law shall be [~~a~~] qualifying  
26 [~~offense~~] offenses;

27 (e) a sex trafficking offense defined in section 230.34 or 230.34-a of  
28 the penal law, or a felony sex offense defined in section 70.80 of the

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

LBD14636-01-2

1 penal law, [~~or a crime involving~~] incest in the third degree as defined  
2 in section 255.25[~~, 255.26 or 255.27~~] of such law, [~~or~~] a misdemeanor  
3 defined in article one hundred thirty of such law, promoting prostitu-  
4 tion in the first degree as defined in section 230.32 of the penal law,  
5 or compelling prostitution as defined in section 230.33 of the penal  
6 law;

7 (f) conspiracy in the second degree as defined in section 105.15 of  
8 the penal law, where the underlying allegation of such charge is that  
9 the defendant conspired to commit a class A felony defined in article  
10 one hundred twenty-five of the penal law, criminal solicitation in the  
11 first degree as defined in section 100.13 of the penal law or criminal  
12 facilitation in the first degree as defined in section 115.08 of the  
13 penal law;

14 (g) money laundering in support of terrorism in the first degree as  
15 defined in section 470.24 of the penal law; money laundering in support  
16 of terrorism in the second degree as defined in section 470.23 of the  
17 penal law; money laundering in support of terrorism in the third degree  
18 as defined in section 470.22 of the penal law; money laundering in  
19 support of terrorism in the fourth degree as defined in section 470.21  
20 of the penal law; or a felony crime of terrorism as defined in article  
21 four hundred ninety of the penal law, other than the crime defined in  
22 section 490.20 of such law;

23 (h) criminal contempt in the second degree as defined in subdivision  
24 three of section 215.50 of the penal law, criminal contempt in the first  
25 degree as defined in subdivision (b), (c) or (d) of section 215.51 of  
26 the penal law or aggravated criminal contempt as defined in section  
27 215.52 of the penal law, and the underlying allegation of such charge of  
28 criminal contempt in the second degree, criminal contempt in the first  
29 degree or aggravated criminal contempt is that the defendant violated a  
30 duly served order of protection where the protected party is a member of  
31 the defendant's same family or household as defined in subdivision one  
32 of section 530.11 of this title;

33 (i) prostitution in a school zone as defined in section 230.03 of the  
34 penal law, promoting prostitution in a school zone as defined in section  
35 230.19 of the penal law, facilitating a sexual performance by a child  
36 with a controlled substance or alcohol as defined in section 263.30 of  
37 the penal law, use of a child in a sexual performance as defined in  
38 section 263.05 of the penal law [~~or~~], patronizing a person for prostitu-  
39 tion in a school zone as defined in section 230.08 of the penal law,  
40 luring a child as defined in subdivision one of section 120.70 of the  
41 penal law, promoting an obscene sexual performance by a child as defined  
42 in section 263.10 of the penal law [~~or~~], promoting a sexual performance  
43 by a child as defined in section 263.15 of the penal law, possessing an  
44 obscene sexual performance by a child as defined in section 263.11 of  
45 the penal law, or possessing a sexual performance by a child as defined  
46 in section 263.16 of the penal law;

47 (j) any crime that is alleged to have caused the death of or serious  
48 physical injury to another person;

49 (k) criminal obstruction of breathing or blood circulation as defined  
50 in section 121.11 of the penal law, strangulation in the second degree  
51 as defined in section 121.12 of the penal law or unlawful imprisonment  
52 in the first degree as defined in section 135.10 of the penal law, and  
53 is alleged to have committed the offense against a member of the defend-  
54 ant's same family or household as defined in subdivision one of section  
55 530.11 of this title;

(l) aggravated vehicular assault as defined in section 120.04-a of the penal law or vehicular assault in the first degree as defined in section 120.04 of the penal law;

(m) assault in the third degree as defined in section 120.00 of the penal law or arson in the third degree as defined in section 150.10 of the penal law[~~, when such crime is charged as a hate crime as defined in section 485.05 of the penal law~~];

(n) aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law or criminal possession of a weapon on school grounds as defined in section 265.01-a of the penal law;

(o) grand larceny in the first degree as defined in section 155.42 of the penal law, enterprise corruption as defined in section 460.20 of the penal law, or money laundering in the first degree as defined in section 470.20 of the penal law;

(p) failure to register as a sex offender pursuant to section one hundred sixty-eight-t of the correction law or endangering the welfare of a child as defined in subdivision one of section 260.10 of the penal law, where the defendant is required to maintain registration under article six-C of the correction law and designated a level three offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law;

(q) a crime involving bail jumping under section 215.55, 215.56 or 215.57 of the penal law, or a crime involving escaping from custody under section 205.05, 205.10 or 205.15 of the penal law;

(r) any felony offense committed by the principal while serving a sentence of probation or while released to post release supervision;

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [✗]

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance or released under conditions for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[✗];

(u) obstructing governmental administration in the second degree as defined in section 195.05 of the penal law, killing or injuring a police animal as defined in section 195.06 of the penal law, killing a police work dog or police work horse as defined in section 195.06-a of the penal law, obstructing governmental administration in the first degree as defined in section 195.07, obstructing governmental administration by means of a self-defense spray device as defined in section 195.08, bribery in the first degree as defined in section 200.04 of the penal law, bribe receiving in the first degree as defined in section 200.12 of the penal law, bribe giving for public office as defined in section 200.45 of the penal law, promoting prison contraband in the second degree as defined in section 205.20 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, resisting arrest as defined in section 205.30 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, tampering with a juror in the first degree as defined

1 in section 215.25 of the penal law or tampering with physical evidence  
2 as defined in section 215.40 of the penal law;

3 (v) public sensibilities and the right to privacy including aggravated  
4 harassment in the first degree as defined in section 240.31 of the penal  
5 law or directing a laser at an aircraft in the first degree as defined  
6 in section 240.77 of the penal law;

7 (w) criminal possession of a weapon in the fourth degree as defined in  
8 section 265.01 of the penal law, criminal sale of a firearm to a minor  
9 as defined in section 265.16 of the penal law, criminal purchase or  
10 disposal of a weapon as defined in section 265.17 of the penal law, or  
11 aggravated criminal possession of a weapon as defined in section 265.19  
12 of the penal law;

13 (x) aggravated cruelty to animals as defined in section three hundred  
14 fifty-three-a of the agriculture and markets law, overdriving, torturing  
15 and injuring animals; failure to provide proper sustenance as defined in  
16 section three hundred fifty-three of the agriculture and markets law, or  
17 animal fighting as defined in section three hundred fifty-one of the  
18 agriculture and markets law;

19 (y) a hate crime as defined in section 485.05 of the penal law;

20 (z) any of the following offenses where the defendant is required to  
21 maintain registration under article six-C of the correction law and  
22 designated a level two or level three offender pursuant to subdivision  
23 six of section one hundred sixty-eight-1 of the correction law: endan-  
24 gering the welfare of a child as defined in section 260.10 of the penal  
25 law; public lewdness as defined in section 245.00 of the penal law;  
26 exposure of a person as defined in section 245.01 of the penal law;  
27 public lewdness in the first degree as defined in section 245.03 of the  
28 penal law;

29 (a-1) reckless assault of a child by a child day care provider as  
30 defined in section 120.01 of the penal law, stalking in the fourth  
31 degree as defined in section 120.45 of the penal law, stalking in the  
32 third degree as defined in section 120.50 of the penal law, stalking in  
33 the second degree as defined in section 120.55 of the penal law, crimi-  
34 nally negligent homicide as defined in section 125.10 of the penal law,  
35 vehicular manslaughter in the second degree as defined in section 125.12  
36 of the penal law, vehicular manslaughter in the first degree as defined  
37 in section 125.13 of the penal law, aggravated vehicular homicide as  
38 defined in section 125.14 of the penal law, manslaughter in the second  
39 degree as defined in section 125.15 of the penal law, coercion in the  
40 first degree as defined in section 135.65 of the penal law, burglary in  
41 the third degree as defined in section 140.20 of the penal law, arson in  
42 the fourth degree as defined in section 150.05 of the penal law, robbery  
43 in the third degree as defined in section 160.05 of the penal law, or  
44 criminal possession of a firearm as defined in section 265.01-b of the  
45 penal law;

46 (b-1) an aggravated family offense as defined in section 240.75 of the  
47 penal law;

48 (c-1) any felony or class A misdemeanor involving harm to an identifi-  
49 able person or property, where such charge arose from conduct occurring  
50 while the defendant was engaging in a riot as defined in article two  
51 hundred forty of the penal law;

52 (d-1) use of a child to commit a controlled substance offense as  
53 defined in section 220.28 of the penal law and criminal sale of a  
54 controlled substance to a child as defined in section 220.48 of the  
55 penal law; or

1 (e-1) any crime in violation of article two hundred sixty-five of the  
2 penal law involving the use of a machine-gun, firearm silencer, firearm,  
3 rifle, shotgun, disguised gun or assault weapon, as such terms are  
4 defined in section 265.00 of the penal law.

5 § 2. Paragraph (b) of subdivision 1 of section 530.20 of the criminal  
6 procedure law, as amended by section 3 of part UU of chapter 56 of the  
7 laws of 2020, is amended to read as follows:

8 (b) Where the principal stands charged with a qualifying offense, the  
9 court, unless otherwise prohibited by law, may in its discretion release  
10 the principal pending trial on the principal's own recognizance or under  
11 non-monetary conditions, fix bail, or, where the defendant is charged  
12 with a qualifying offense which is a felony, the court may commit the  
13 principal to the custody of the sheriff. The court shall explain its  
14 choice of release, release with conditions, bail or remand on the record  
15 or in writing. A principal stands charged with a qualifying offense when  
16 he or she stands charged with:

17 (i) a felony enumerated in section 70.02 of the penal law~~[, other than~~  
18 ~~robbery in the second degree as defined in subdivision one of section~~  
19 ~~160.10 of the penal law, provided, however, that burglary in the second~~  
20 ~~degree as defined in subdivision two of section 140.25 of the penal law~~  
21 ~~shall be a qualifying offense only where the defendant is charged with~~  
22 ~~entering the living area of the dwelling]~~;

23 (ii) a crime involving witness intimidation under section 215.15 of  
24 the penal law;

25 (iii) a crime involving witness tampering under section 215.11, 215.12  
26 or 215.13 of the penal law;

27 (iv) a class A felony defined in the penal law, provided, that for  
28 class A felonies under article two hundred twenty of such law, only  
29 [class A-I felonies] offenses defined in sections 220.18, 220.21,  
30 220.41, 220.43, 220.44 and 220.77 of such law shall be [a] qualifying  
31 ~~[offense] offenses~~;

32 (v) a sex trafficking offense defined in section 230.34 or 230.34-a of  
33 the penal law, or a felony sex offense defined in section 70.80 of the  
34 penal law ~~[or a crime involving]~~, incest in the third degree as defined  
35 in section 255.25~~[, 255.26 or 255.27]~~ of such law, or a misdemeanor  
36 defined in article one hundred thirty of such law; or promoting prosti-  
37 tution in the first degree as defined in section 230.32 of the penal  
38 law, compelling prostitution as defined in section 230.33 of the penal  
39 law;

40 (vi) conspiracy in the second degree as defined in section 105.15 of  
41 the penal law, where the underlying allegation of such charge is that  
42 the defendant conspired to commit a class A felony defined in article  
43 one hundred twenty-five of the penal law, criminal solicitation in the  
44 first degree as defined in section 100.13 of the penal law or criminal  
45 facilitation in the first degree as defined in section 115.08 of the  
46 penal law;

47 (vii) money laundering in support of terrorism in the first degree as  
48 defined in section 470.24 of the penal law; money laundering in support  
49 of terrorism in the second degree as defined in section 470.23 of the  
50 penal law; money laundering in support of terrorism in the third degree  
51 as defined in section 470.22 of the penal law; money laundering in  
52 support of terrorism in the fourth degree as defined in section 470.21  
53 of the penal law; or a felony crime of terrorism as defined in article  
54 four hundred ninety of the penal law, other than the crime defined in  
55 section 490.20 of such law;



(viii) criminal contempt in the second degree as defined in subdivision three of section 215.50 of the penal law, criminal contempt in the first degree as defined in subdivision (b), (c) or (d) of section 215.51 of the penal law or aggravated criminal contempt as defined in section 215.52 of the penal law, and the underlying allegation of such charge of criminal contempt in the second degree, criminal contempt in the first degree or aggravated criminal contempt is that the defendant violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article;

(ix) prostitution in a school zone as defined in section 230.03 of the penal law, promoting prostitution in a school zone as defined in section 230.19 of the penal law, facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law ~~[or]~~, patronizing a person for prostitution in a school zone as defined in section 230.08 of the penal law, luring a child as defined in subdivision one of section 120.70 of the penal law, promoting an obscene sexual performance by a child as defined in section 263.10 of the penal law ~~[or]~~, promoting a sexual performance by a child as defined in section 263.15 of the penal law, possessing an obscene sexual performance by a child as defined in section 263.11 of the penal law, or possessing a sexual performance by a child as defined in section 263.16 of the penal law;

(x) any crime that is alleged to have caused the death of or serious physical injury to another person;

(xi) criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law or unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, and is alleged to have committed the offense against a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article;

(xii) aggravated vehicular assault as defined in section 120.04-a of the penal law or vehicular assault in the first degree as defined in section 120.04 of the penal law;

(xiii) assault in the third degree as defined in section 120.00 of the penal law or arson in the third degree as defined in section 150.10 of the penal law~~[, when such crime is charged as a hate crime as defined in section 485.05 of the penal law]~~;

(xiv) aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law or criminal possession of a weapon on school grounds as defined in section 265.01-a of the penal law;

(xv) grand larceny in the first degree as defined in section 155.42 of the penal law, enterprise corruption as defined in section 460.20 of the penal law, or money laundering in the first degree as defined in section 470.20 of the penal law;

(xvi) failure to register as a sex offender pursuant to section one hundred sixty-eight-t of the correction law or endangering the welfare of a child as defined in subdivision one of section 260.10 of the penal law, where the defendant is required to maintain registration under article six-C of the correction law and designated a level three offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law;

1 (xvii) a crime involving bail jumping under section 215.55, 215.56 or  
2 215.57 of the penal law, or a crime involving escaping from custody  
3 under section 205.05, 205.10 or 205.15 of the penal law;

4 (xviii) any felony offense committed by the principal while serving a  
5 sentence of probation or while released to post release supervision;

6 (xix) a felony, where the defendant qualifies for sentencing on such  
7 charge as a persistent felony offender pursuant to section 70.10 of the  
8 penal law; [✗]

9 (xx) any felony or class A misdemeanor involving harm to an identi-  
10 fiable person or property, where such charge arose from conduct occurring  
11 while the defendant was released on his or her own recognizance or  
12 released under conditions for a separate felony or class A misdemeanor  
13 involving harm to an identifiable person or property, provided, however,  
14 that the prosecutor must show reasonable cause to believe that the  
15 defendant committed the instant crime and any underlying crime. For the  
16 purposes of this subparagraph, any of the underlying crimes need not be  
17 a qualifying offense as defined in this subdivision[+];

18 (xxi) obstructing governmental administration in the second degree as  
19 defined in section 195.05 of the penal law, killing or injuring a police  
20 animal as defined in section 195.06 of the penal law, killing a police  
21 work dog or police work horse as defined in section 195.06-a of the  
22 penal law, obstructing governmental administration in the first degree  
23 as defined in section 195.07, obstructing governmental administration by  
24 means of a self-defense spray device as defined in section 195.08,  
25 bribery in the first degree as defined in section 200.04 of the penal  
26 law, bribe receiving in the first degree as defined in section 200.12 of  
27 the penal law, bribe giving for public office as defined in section  
28 200.45 of the penal law, promoting prison contraband in the second  
29 degree as defined in section 205.20 of the penal law, promoting prison  
30 contraband in the first degree as defined in section 205.25 of the penal  
31 law, resisting arrest as defined in section 205.30 of the penal law,  
32 hindering prosecution in the first degree as defined in section 205.65  
33 of the penal law, tampering with a juror in the first degree as defined  
34 in section 215.25 of the penal law or tampering with physical evidence  
35 as defined in section 215.40 of the penal law;

36 (xxii) public sensibilities and the right to privacy including aggra-  
37 vated harassment in the first degree as defined in section 240.31 of the  
38 penal law or directing a laser at an aircraft in the first degree as  
39 defined in section 240.77 of the penal law;

40 (xxiii) criminal possession of a weapon in the fourth degree as  
41 defined in section 265.01 of the penal law, criminal sale of a firearm  
42 to a minor as defined in section 265.16 of the penal law, criminal  
43 purchase or disposal of a weapon as defined in section 265.17 of the  
44 penal law, or aggravated criminal possession of a weapon as defined in  
45 section 265.19 of the penal law;

46 (xxiv) aggravated cruelty to animals as defined in section three  
47 hundred fifty-three-a of the agriculture and markets law, overdriving,  
48 torturing and injuring animals; failure to provide proper sustenance as  
49 defined in section three hundred fifty-three of the agriculture and  
50 markets law, or animal fighting as defined in section three hundred  
51 fifty-one of the agriculture and markets law;

52 (xxv) a hate crime as defined in section 485.05 of the penal law;

53 (xxvi) any of the following offenses where the defendant is required  
54 to maintain registration under article six-C of the correction law and  
55 designated a level two or level three offender pursuant to subdivision  
56 six of section one hundred sixty-eight-1 of the correction law: endan-

gering the welfare of a child as defined in section 260.10 of the penal law; public lewdness as defined in section 245.00 of the penal law; exposure of a person as defined in section 245.01 of the penal law; public lewdness in the first degree as defined in section 245.03 of the penal law;

(xxvii) reckless assault of a child by a child day care provider as defined in section 120.01 of the penal law, stalking in the fourth degree as defined in section 120.45 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, vehicular manslaughter in the second degree as defined in section 125.12 of the penal law, vehicular manslaughter in the first degree as defined in section 125.13 of the penal law, aggravated vehicular homicide as defined in section 125.14 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, or criminal possession of a firearm as defined in section 265.01-b of the penal law;

(xxviii) an aggravated family offense as defined in section 240.75 of the penal law;

(xxix) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was engaging in a riot as defined in article two hundred forty of the penal law;

(xxx) use of a child to commit a controlled substance offense as defined in section 220.28 of the penal law and criminal sale of a controlled substance to a child as defined in section 220.48 of the penal law; or

(xxxi) any crime in violation of article two hundred sixty-five of the penal law involving the use of a machine-gun, firearm silencer, firearm, rifle, shotgun, disguised gun or assault weapon, as such terms are defined in section 265.00 of the penal law.

§ 3. Subdivision 4 of section 530.40 of the criminal procedure law, as added by section 4 of part UU of chapter 56 of the laws of 2020, is amended to read as follows:

4. Where the principal stands charged with a qualifying offense, the court, unless otherwise prohibited by law, may in its discretion release the principal pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, or, where the defendant is charged with a qualifying offense which is a felony, the court may commit the principal to the custody of the sheriff. The court shall explain its choice of release, release with conditions, bail or remand on the record or in writing. A principal stands charged with a qualifying offense for the purposes of this subdivision when he or she stands charged with:

(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]~~;

(b) a crime involving witness intimidation under section 215.15 of the penal law;



1 (c) a crime involving witness tampering under section 215.11, 215.12  
2 or 215.13 of the penal law;

3 (d) a class A felony defined in the penal law, provided that for class  
4 A felonies under article two hundred twenty of such law, only [~~class A-I~~  
5 ~~felonies~~] offenses defined in sections 220.18, 220.21, 220.41, 220.43,  
6 220.44 and 220.77 of such law shall be [~~a~~] qualifying [~~offense~~]  
7 offenses;

8 (e) a sex trafficking offense defined in section 230.34 or 230.34-a of  
9 the penal law, or a felony sex offense defined in section 70.80 of the  
10 penal law [~~or a crime involving~~], incest in the third degree as defined  
11 in section 255.25[~~, 255.26 or 255.27~~] of such law, [~~e~~] a misdemeanor  
12 defined in article one hundred thirty of such law; or promoting prosti-  
13 tution in the first degree as defined in section 230.32 of the penal  
14 law, or compelling prostitution as defined in section 230.33 of the  
15 penal law;

16 (f) conspiracy in the second degree as defined in section 105.15 of  
17 the penal law, where the underlying allegation of such charge is that  
18 the defendant conspired to commit a class A felony defined in article  
19 one hundred twenty-five of the penal law, criminal solicitation in the  
20 first degree as defined in section 100.13 of the penal law or criminal  
21 facilitation in the first degree as defined in section 115.08 of the  
22 penal law;

23 (g) money laundering in support of terrorism in the first degree as  
24 defined in section 470.24 of the penal law; money laundering in support  
25 of terrorism in the second degree as defined in section 470.23 of the  
26 penal law; money laundering in support of terrorism in the third degree  
27 as defined in section 470.22 of the penal law; money laundering in  
28 support of terrorism in the fourth degree as defined in section 470.21  
29 of the penal law; or a felony crime of terrorism as defined in article  
30 four hundred ninety of the penal law, other than the crime defined in  
31 section 490.20 of such law;

32 (h) criminal contempt in the second degree as defined in subdivision  
33 three of section 215.50 of the penal law, criminal contempt in the first  
34 degree as defined in subdivision (b), (c) or (d) of section 215.51 of  
35 the penal law or aggravated criminal contempt as defined in section  
36 215.52 of the penal law, and the underlying allegation of such charge of  
37 criminal contempt in the second degree, criminal contempt in the first  
38 degree or aggravated criminal contempt is that the defendant violated a  
39 duly served order of protection where the protected party is a member of  
40 the defendant's same family or household as defined in subdivision one  
41 of section 530.11 of this article;

42 (i) prostitution in a school zone as defined in section 230.03 of the  
43 penal law, promoting prostitution in a school zone as defined in section  
44 230.19 of the penal law, facilitating a sexual performance by a child  
45 with a controlled substance or alcohol as defined in section 263.30 of  
46 the penal law, use of a child in a sexual performance as defined in  
47 section 263.05 of the penal law [~~e~~], patronizing a person for prostitu-  
48 tion in a school zone as defined in section 230.08 of the penal law,  
49 luring a child as defined in subdivision one of section 120.70 of the  
50 penal law, promoting an obscene sexual performance by a child as defined  
51 in section 263.10 of the penal law or promoting a sexual performance by  
52 a child as defined in section 263.15 of the penal law, possessing an  
53 obscene sexual performance by a child as defined in section 263.11 of  
54 the penal law, or possessing a sexual performance by a child as defined  
55 in section 263.16 of the penal law;

1 (j) any crime that is alleged to have caused the death or physical  
2 injury of another person;

3 (k) criminal obstruction of breathing or blood circulation as defined  
4 in section 121.11 of the penal law, strangulation in the second degree  
5 as defined in section 121.12 of the penal law or unlawful imprisonment  
6 in the first degree as defined in section 135.10 of the penal law, and  
7 is alleged to have committed the offense against a member of the defend-  
8 ant's same family or household as defined in subdivision one of section  
9 530.11 of this article;

10 (l) aggravated vehicular assault as defined in section 120.04-a of the  
11 penal law or vehicular assault in the first degree as defined in section  
12 120.04 of the penal law;

13 (m) assault in the third degree as defined in section 120.00 of the  
14 penal law or arson in the third degree as defined in section 150.10 of  
15 the penal law[~~, when such crime is charged as a hate crime as defined in~~  
16 ~~section 485.05 of the penal law~~];

17 (n) aggravated assault upon a person less than eleven years old as  
18 defined in section 120.12 of the penal law or criminal possession of a  
19 weapon on school grounds as defined in section 265.01-a of the penal  
20 law;

21 (o) grand larceny in the first degree as defined in section 155.42 of  
22 the penal law, enterprise corruption as defined in section 460.20 of the  
23 penal law, or money laundering in the first degree as defined in section  
24 470.20 of the penal law;

25 (p) failure to register as a sex offender pursuant to section one  
26 hundred sixty-eight-t of the correction law or endangering the welfare  
27 of a child as defined in subdivision one of section 260.10 of the penal  
28 law, where the defendant is required to maintain registration under  
29 article six-C of the correction law and designated a level three offen-  
30 der pursuant to subdivision six of section one hundred sixty-eight-l of  
31 the correction law;

32 (q) a crime involving bail jumping under section 215.55, 215.56 or  
33 215.57 of the penal law, or a crime involving escaping from custody  
34 under section 205.05, 205.10 or 205.15 of the penal law;

35 (r) any felony offense committed by the principal while serving a  
36 sentence of probation or while released to post release supervision;

37 (s) a felony, where the defendant qualifies for sentencing on such  
38 charge as a persistent felony offender pursuant to section 70.10 of the  
39 penal law; [✖]

40 (t) any felony or class A misdemeanor involving harm to an identifi-  
41 able person or property, where such charge arose from conduct occurring  
42 while the defendant was released on his or her own recognizance or  
43 released under conditions for a separate felony or class A misdemeanor  
44 involving harm to an identifiable person or property, provided, however,  
45 that the prosecutor must show reasonable cause to believe that the  
46 defendant committed the instant crime and any underlying crime. For the  
47 purposes of this subparagraph, any of the underlying crimes need not be  
48 a qualifying offense as defined in this subdivision[+];

49 (u) obstructing governmental administration in the second degree as  
50 defined in section 195.05 of the penal law, killing or injuring a police  
51 animal as defined in section 195.06 of the penal law, killing a police  
52 work dog or police work horse as defined in section 195.06-a of the  
53 penal law, obstructing governmental administration in the first degree  
54 as defined in section 195.07, obstructing governmental administration by  
55 means of a self-defense spray device as defined in section 195.08,  
56 bribery in the first degree as defined in section 200.04 of the penal

1 law, bribe receiving in the first degree as defined in section 200.12 of  
2 the penal law, bribe giving for public office as defined in section  
3 200.45 of the penal law, promoting prison contraband in the second  
4 degree as defined in section 205.20 of the penal law, promoting prison  
5 contraband in the first degree as defined in section 205.25 of the penal  
6 law, resisting arrest as defined in section 205.30 of the penal law,  
7 hindering prosecution in the first degree as defined in section 205.65  
8 of the penal law, tampering with a juror in the first degree as defined  
9 in section 215.25 of the penal law or tampering with physical evidence  
10 as defined in section 215.40 of the penal law;

11 (v) public sensibilities and the right to privacy including aggravated  
12 harassment in the first degree as defined in section 240.31 of the penal  
13 law or directing a laser at an aircraft in the first degree as defined  
14 in section 240.77 of the penal law;

15 (w) criminal possession of a weapon in the fourth degree as defined in  
16 section 265.01 of the penal law, criminal sale of a firearm to a minor  
17 as defined in section 265.16 of the penal law, criminal purchase or  
18 disposal of a weapon as defined in section 265.17 of the penal law, or  
19 aggravated criminal possession of a weapon as defined in section 265.19  
20 of the penal law;

21 (x) aggravated cruelty to animals as defined in section three hundred  
22 fifty-three-a of the agriculture and markets law, overdriving, torturing  
23 and injuring animals; failure to provide proper sustenance as defined in  
24 section three hundred fifty-three of the agriculture and markets law, or  
25 animal fighting as defined in section three hundred fifty-one of the  
26 agriculture and markets law;

27 (y) a hate crime as defined in section 485.05 of the penal law;

28 (z) any of the following offenses where the defendant is required to  
29 maintain registration under article six-C of the correction law and  
30 designated a level two or level three offender pursuant to subdivision  
31 six of section one hundred sixty-eight-1 of the correction law: endan-  
32 gering the welfare of a child as defined in section 260.10 of the penal  
33 law; public lewdness as defined in section 245.00 of the penal law;  
34 exposure of a person as defined in section 245.01 of the penal law;  
35 public lewdness in the first degree as defined in section 245.03 of the  
36 penal law;

37 (a-1) reckless assault of a child by a child day care provider as  
38 defined in section 120.01 of the penal law, stalking in the fourth  
39 degree as defined in section 120.45 of the penal law, stalking in the  
40 third degree as defined in section 120.50 of the penal law, stalking in  
41 the second degree as defined in section 120.55 of the penal law, crimi-  
42 nally negligent homicide as defined in section 125.10 of the penal law,  
43 vehicular manslaughter in the second degree as defined in section 125.12  
44 of the penal law, vehicular manslaughter in the first degree as defined  
45 in section 125.13 of the penal law, aggravated vehicular homicide as  
46 defined in section 125.14 of the penal law, manslaughter in the second  
47 degree as defined in section 125.15 of the penal law, coercion in the  
48 first degree as defined in section 135.65 of the penal law, burglary in  
49 the third degree as defined in section 140.20 of the penal law, arson in  
50 the fourth degree as defined in section 150.05 of the penal law, robbery  
51 in the third degree as defined in section 160.05 of the penal law, or  
52 criminal possession of a firearm as defined in section 265.01-b of the  
53 penal law;

54 (b-1) an aggravated family offense as defined in section 240.75 of the  
55 penal law;

1 (c-1) any felony or class A misdemeanor involving harm to an identifi-  
2 able person or property, where such charge arose from conduct occurring  
3 while the defendant was engaging in a riot as defined in article two  
4 hundred forty of the penal law;

5 (d-1) use of a child to commit a controlled substance offense as  
6 defined in section 220.28 of the penal law and criminal sale of a  
7 controlled substance to a child as defined in section 220.48 of the  
8 penal law; or

9 (e-1) any crime in violation of article two hundred sixty-five of the  
10 penal law involving the use of a machine-gun, firearm silencer, firearm,  
11 rifle, shotgun, disguised gun or assault weapon, as such terms are  
12 defined in section 265.00 of the penal law.

13 § 4. This act shall take effect immediately.