

STATE OF NEW YORK

8088

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

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

AN ACT to amend the criminal procedure law, in relation to securing orders for principals charged with certain hate crimes

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

Section 1. Paragraphs (m) and (t) of subdivision 4 of section 510.10 of the criminal procedure law, as added by section 2 of part UU of chapter 56 of the laws of 2020, are amended and a new paragraph (u) is added to read as follows:

(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, harassment in the first degree as defined in section 240.25 of the penal law, or harassment in the second degree as defined in section 240.26 of the penal law, when such crime is charged as a hate crime as defined in section 485.05 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~~[-]~~; or

(u) aggravated harassment in the first degree as defined in section 240.31 of the penal law, or aggravated harassment in the second degree as defined in subdivision three of section 240.30 of the penal law.

§ 2. Subparagraphs (xiii) and (xx) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3

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

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1 of part UU of chapter 56 of the laws of 2020, are amended and a new
2 subparagraph (xxi) is added to read as follows:

3 (xiii) assault in the third degree as defined in section 120.00 of the
4 penal law ~~[or]~~, arson in the third degree as defined in section 150.10
5 of the penal law, harassment in the first degree as defined in section
6 240.25 of the penal law, or harassment in the second degree as defined
7 in section 240.26 of the penal law, when such crime is charged as a hate
8 crime as defined in section 485.05 of the 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~~[or]~~; or

18 (xxi) aggravated harassment in the first degree as defined in section
19 240.31 of the penal law, or aggravated harassment in the second degree
20 as defined in subdivision three of section 240.30 of the penal law.

21 § 3. Paragraphs (m) and (t) of subdivision 4 of section 530.40 of the
22 criminal procedure law, as added by section 4 of part UU of chapter 56
23 of the laws of 2020, are amended and a new paragraph (u) is added to
24 read as follows:

25 (m) assault in the third degree as defined in section 120.00 of the
26 penal law ~~[or]~~, arson in the third degree as defined in section 150.10
27 of the penal law, harassment in the first degree as defined in section
28 240.25 of the penal law, or harassment in the second degree as defined
29 in section 240.26 of the penal law, when such crime is charged as a hate
30 crime as defined in section 485.05 of the penal law;

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

40 (u) aggravated harassment in the first degree as defined in section
41 240.31 of the penal law, or aggravated harassment in the second degree
42 as defined in subdivision three of section 240.30 of the penal law.

43 § 4. This act shall take effect immediately.