

STATE OF NEW YORK

7715--A

2023-2024 Regular Sessions

IN SENATE

October 18, 2023

Introduced by Sens. COONEY, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to criminal possession of stolen property

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

1 Section 1. Paragraphs (t) and (u) of subdivision 4 of section 510.10
2 of the criminal procedure law, paragraph (t) as amended and paragraph
3 (u) as added by section 2 of subpart B of part UU of chapter 56 of the
4 laws of 2022, are amended and two new paragraphs (v) and (w) are added
5 to read as follows:

6 (t) any felony or class A misdemeanor involving harm to an identifi-
7 able person or property, or any charge of criminal possession of a
8 firearm as defined in section 265.01-b of the penal law, where such
9 charge arose from conduct occurring while the defendant was released on
10 his or her own recognizance, released under conditions, or had yet to be
11 arraigned after the issuance of a desk appearance ticket for a separate
12 felony or class A misdemeanor involving harm to an identifiable person
13 or property, or any charge of criminal possession of a firearm as
14 defined in section 265.01-b of the penal law, provided, however, that
15 the prosecutor must show reasonable cause to believe that the defendant
16 committed the instant crime and any underlying crime. For the purposes
17 of this subparagraph, any of the underlying crimes need not be a quali-
18 fying offense as defined in this subdivision. For the purposes of this
19 paragraph, "harm to an identifiable person or property" shall include
20 but not be limited to theft of or damage to property. However, based
21 upon a review of the facts alleged in the accusatory instrument, if the
22 court determines that such theft is negligible and does not appear to be
23 in furtherance of other criminal activity, the principal shall be

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

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released on his or her own recognizance or under appropriate non-monetary conditions; ~~[or]~~

(u) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law~~[-]~~;

(v) criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined in section 165.52 of the penal law, or criminal possession of stolen property in the first degree as defined in section 165.54 of the penal law; or

(w) grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, or grand larceny in the second degree as defined in section 155.40 of the penal law.

§ 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, subparagraph (xx) as amended and subparagraph (xxi) as added by section 4 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and two new subparagraphs (xxii) and (xxiii) are added to read as follows:

(xx) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket 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. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; ~~[or]~~

(xxi) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law~~[-]~~;

(xxii) criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined in section 165.52 of the penal law, or criminal possession of stolen property in the first degree as defined in section 165.54 of the penal law; or

(xxiii) grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, or grand larceny in the second degree as defined in section 155.40 of the penal law.

§ 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the criminal procedure law, paragraph (t) as amended and paragraph (u) as

1 added by section 4 of subpart B of part UU of chapter 56 of the laws of
2 2022, are amended and two new paragraphs (v) and (w) are added to read
3 as follows:

4 (t) any felony or class A misdemeanor involving harm to an identifi-
5 able person or property, or any charge of criminal possession of a
6 firearm as defined in section 265.01-b of the penal law, where such
7 charge arose from conduct occurring while the defendant was released on
8 his or her own recognizance, released under conditions, or had yet to be
9 arraigned after the issuance of a desk appearance ticket for a separate
10 felony or class A misdemeanor involving harm to an identifiable person
11 or property, or any charge of criminal possession of a firearm as
12 defined in section 265.01-b of the penal law, provided, however, that
13 the prosecutor must show reasonable cause to believe that the defendant
14 committed the instant crime and any underlying crime. For the purposes
15 of this subparagraph, any of the underlying crimes need not be a quali-
16 fying offense as defined in this subdivision. For the purposes of this
17 paragraph, "harm to an identifiable person or property" shall include
18 but not be limited to theft of or damage to property. However, based
19 upon a review of the facts alleged in the accusatory instrument, if the
20 court determines that such theft is negligible and does not appear to be
21 in furtherance of other criminal activity, the principal shall be
22 released on his or her own recognizance or under appropriate non-mone-
23 tary conditions; ~~[or]~~

24 (u) criminal possession of a weapon in the third degree as defined in
25 subdivision three of section 265.02 of the penal law or criminal sale of
26 a firearm to a minor as defined in section 265.16 of the penal law~~[or]~~;

27 (v) criminal possession of stolen property in the fourth degree as
28 defined in section 165.45 of the penal law, criminal possession of
29 stolen property in the third degree as defined in section 165.50 of the
30 penal law, criminal possession of stolen property in the second degree
31 as defined in section 165.52 of the penal law, or criminal possession of
32 stolen property in the first degree as defined in section 165.54 of the
33 penal law; or

34 (w) grand larceny in the fourth degree as defined in section 155.30 of
35 the penal law, grand larceny in the third degree as defined in section
36 155.35 of the penal law, or grand larceny in the second degree as
37 defined in section 155.40 of the penal law.

38 § 4. This act shall take effect on the ninetieth day after it shall
39 have become a law.