

STATE OF NEW YORK

1013

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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 including certain violations involving the use of a firearm as qualifying offenses for the purpose of imposing bail

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

1 Section 1. Paragraph (u) of subdivision 4 of section 510.10 of the
2 criminal procedure law, as added by section 2 of subpart B of part UU of
3 chapter 56 of the laws of 2022, is amended to read as follows:

4 (u) criminal possession of a weapon in the third degree as defined in
5 subdivision three of section 265.02 of the penal law or criminal sale of
6 a firearm to a minor as defined in section 265.16 of the penal law or
7 any other crime in violation of article two hundred sixty-five of the
8 penal law involving the use of a machine-gun, firearm silencer, firearm,
9 rifle, shotgun, disguised gun, ghost gun or assault weapon, as such
10 terms are defined in section 265.00 of the penal law.

11 § 2. Subparagraph (xxi) of paragraph (b) of subdivision 1 of section
12 530.20 of the criminal procedure law, as added by section 4 of subpart C
13 of part UU of chapter 56 of the laws of 2022, is amended to read as
14 follows:

15 (xxi) criminal possession of a weapon in the third degree as defined
16 in subdivision three of section 265.02 of the penal law or criminal sale
17 of a firearm to a minor as defined in section 265.16 of the penal law or
18 any other crime in violation of article two hundred sixty-five of the
19 penal law involving the use of a machine-gun, firearm silencer, firearm,
20 rifle, shotgun, disguised gun, ghost gun or assault weapon, as such
21 terms are defined in section 265.00 of the penal law.

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

LBD02269-01-5

1 § 3. Paragraph (u) of subdivision 4 of section 530.40 of the criminal
2 procedure law, as added by section 4 of subpart B of part UU of chapter
3 56 of the laws of 2022, is amended to read as follows:

4 (u) criminal possession of a weapon in the third degree as defined in
5 subdivision three of section 265.02 of the penal law or criminal sale of
6 a firearm to a minor as defined in section 265.16 of the penal law or
7 any other crime in violation of article two hundred sixty-five of the
8 penal law involving the use of a machine-gun, firearm silencer, firearm,
9 rifle, shotgun, disguised gun, ghost gun or assault weapon, as such
10 terms are defined in section 265.00 of the penal law.

11 § 4. Paragraphs (a) and (e) of subdivision 2 of section 530.60 of the
12 criminal procedure law, as amended by section 20 of part JJJ of chapter
13 59 of the laws of 2019, are amended to read as follows:

14 (a) Whenever in the course of a criminal action or proceeding a
15 defendant charged with the commission of a felony is at liberty as a
16 result of an order of recognizance, release under non-monetary condi-
17 tions or bail issued pursuant to this article it shall be grounds for
18 revoking such order that the court finds reasonable cause to believe the
19 defendant committed one or more specified class A or violent felony
20 offenses, or intimidated a victim or witness in violation of section
21 215.15, 215.16 or 215.17 of the penal law or committed any crime in
22 violation of article two hundred sixty-five of the penal law involving
23 the use of a machine-gun, firearm silencer, firearm, rifle, shotgun,
24 disguised gun, ghost gun or assault weapon, as such terms are defined in
25 section 265.00 of the penal law, while at liberty.

26 (e) Notwithstanding the provisions of paragraph (a) or (b) of this
27 subdivision a defendant, against whom a felony complaint has been filed
28 which charges the defendant with commission of a class A or violent
29 felony offense, or violation of section 215.15, 215.16 or 215.17 of the
30 penal law or violation of article two hundred sixty-five of the penal
31 law involving the use of a machine-gun, firearm silencer, firearm,
32 rifle, shotgun, disguised gun, ghost gun or assault weapon, as such
33 terms are defined in section 265.00 of the penal law, committed while
34 [~~he~~] the defendant was at liberty as specified therein, may be committed
35 to the custody of the sheriff pending a revocation hearing for a period
36 not to exceed seventy-two hours. An additional period not to exceed
37 seventy-two hours may be granted by the court upon application of the
38 district attorney upon a showing of good cause or where the failure to
39 commence the hearing was due to the defendant's request or occurred with
40 [~~his~~] the defendant's consent. Such good cause must consist of some
41 compelling fact or circumstance which precluded conducting the hearing
42 within the initial prescribed period.

43 § 5. This act shall take effect immediately.