

STATE OF NEW YORK

1586

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

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

AN ACT to amend the criminal procedure law, in relation to the application of bail in certain prostitution cases and labor trafficking cases

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~~] such defendant's own recognizance, released under condi-
11 tions, or had yet to be arraigned after the issuance of a desk appear-
12 ance ticket for a separate felony or class A misdemeanor involving harm
13 to an identifiable person or property, or any charge of criminal
14 possession of a firearm as defined in section 265.01-b of the penal law,
15 provided, however, that the prosecutor must show reasonable cause to
16 believe that the defendant committed the instant crime and any underly-
17 ing crime. For the purposes of this subparagraph, any of the underlying
18 crimes need not be a qualifying offense as defined in this subdivision.
19 For the purposes of this paragraph, "harm to an identifiable person or
20 property" shall include but not be limited to theft of or damage to
21 property. However, based upon a review of the facts alleged in the accu-
22 satory instrument, if the court determines that such theft is negligible
23 and does not appear to be in furtherance of other criminal activity, the
24 principal shall be released on [~~his or her~~] such principal's own recog-
25 nizance or under appropriate non-monetary conditions; [~~or~~]

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

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

4 (v) a crime involving promoting prostitution under section 230.25,
5 230.30 or 230.32 of the penal law or compelling prostitution as defined
6 in section 230.33 of the penal law; or

7 (w) labor trafficking as defined in section 135.35 of the penal law or
8 aggravated labor trafficking as defined in section 135.37 of the penal
9 law.

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

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

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

38 (xxii) a crime involving promoting prostitution under section 230.25,
39 230.30 or 230.32 of the penal law or compelling prostitution as defined
40 in section 230.33 of the penal law; or

41 (xxiii) labor trafficking as defined in section 135.35 of the penal
42 law or aggravated labor trafficking as defined in section 135.37 of the
43 penal law.

44 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
45 criminal procedure law, paragraph (t) as amended and paragraph (u) as
46 added by section 4 of subpart B of part UU of chapter 56 of the laws of
47 2022, are amended and two new paragraphs (v) and (w) are added to read
48 as follows:

49 (t) any felony or class A misdemeanor involving harm to an identifi-
50 able person or property, or any charge of criminal possession of a
51 firearm as defined in section 265.01-b of the penal law, where such
52 charge arose from conduct occurring while the defendant was released on
53 [~~his or her~~] such defendant's own recognizance, released under condi-
54 tions, or had yet to be arraigned after the issuance of a desk appear-
55 ance ticket for a separate felony or class A misdemeanor involving harm
56 to an identifiable person or property, or any charge of criminal

1 possession of a firearm as defined in section 265.01-b of the penal law,
2 provided, however, that the prosecutor must show reasonable cause to
3 believe that the defendant committed the instant crime and any underlying
4 crime. For the purposes of this subparagraph, any of the underlying
5 crimes need not be a qualifying offense as defined in this subdivision.
6 For the purposes of this paragraph, "harm to an identifiable person or
7 property" shall include but not be limited to theft of or damage to
8 property. However, based upon a review of the facts alleged in the accu-
9 satory instrument, if the court determines that such theft is negligible
10 and does not appear to be in furtherance of other criminal activity, the
11 principal shall be released on [~~his or her~~] such principal's own recog-
12 nizance or under appropriate non-monetary conditions; [~~e~~]

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

16 (v) a crime involving promoting prostitution under section 230.25,
17 230.30 or 230.32 of the penal law or compelling prostitution as defined
18 in section 230.33 of the penal law; or

19 (w) labor trafficking as defined in section 135.35 of the penal law or
20 aggravated labor trafficking as defined in section 135.37 of the penal
21 law.

22 § 4. This act shall take effect on the sixtieth day after it shall
23 have become a law.