

# STATE OF NEW YORK

4155

2025-2026 Regular Sessions

## IN ASSEMBLY

January 31, 2025

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

AN ACT to amend the criminal procedure law, in relation to permitting judicial discretion based on dangerousness when issuing a securing order, extending the time period for discovery, permits the immediate issuance of a bench warrant for failure to appear for certain principals, and places restrictions on when appearance tickets may be issued

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

1 Section 1. Subdivisions 1 and 3 of section 510.10 of the criminal  
2 procedure law, subdivision 1 as amended by section 1 of subpart C of  
3 part UU of chapter 56 of the laws of 2022, and the opening paragraph of  
4 subdivision 1 and subdivision 3 as amended by section 2 of subpart A of  
5 part VV of chapter 56 of the laws of 2023, are amended to read as  
6 follows:

7 1. When a principal, whose future court attendance at a criminal  
8 action or proceeding is or may be required, comes under the control of a  
9 court, such court shall impose a securing order in accordance with this  
10 title. Except as otherwise required by law, the court shall make an  
11 individualized determination as to whether the principal poses a danger  
12 to a person or the community and make an individualized determination as  
13 to whether the principal poses a risk of flight to avoid prosecution,  
14 consider the kind and degree of control or restriction necessary to  
15 reasonably assure the principal's return to court, and select a securing  
16 order consistent with its determination under this subdivision. The  
17 court shall explain the basis for its determination and its choice of  
18 securing order on the record or in writing. In making a determination  
19 under this subdivision, the court must consider and take into account  
20 available information about the principal, including, but not limited  
21 to:

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

LBD03361-01-5

1 (a) The principal's character, reputation, habits, activities [~~and~~],  
2 history and mental condition;

3 (b) If the principal is a defendant, the charges facing the principal;

4 (c) The principal's criminal [~~conviction~~] record if any;

5 (d) The principal's record of previous adjudication as a juvenile  
6 delinquent, as retained pursuant to section 354.1 of the family court  
7 act, or, of pending cases where fingerprints are retained pursuant to  
8 section 306.1 of such act, or a youthful offender, if any;

9 (e) The principal's previous record with respect to responding to  
10 court appearances when required or with respect to flight to avoid crim-  
11 inal prosecution;

12 (f) If monetary bail is authorized, according to the restrictions set  
13 forth in this title, the principal's individual financial circumstances,  
14 and, in cases where bail is authorized, the principal's ability to post  
15 bail without posing undue hardship, as well as [~~his or her~~] such princi-  
16 pal's ability to obtain a secured, unsecured, or partially secured bond;

17 (g) Any violation by the principal of an order of protection issued by  
18 any court;

19 (h) The principal's history of use or possession of a firearm;

20 (i) Whether the charge is alleged to have caused serious harm to an  
21 individual or group of individuals; [~~and~~]

22 (j) The nature and seriousness of the danger to any other person or  
23 the community that would be posed by the principal's release, if appli-  
24 cable; and

25 (k) If the principal is a defendant, in the case of an application for  
26 a securing order pending appeal, the merit or lack of merit of the  
27 appeal.

28 3. In cases other than as described in subdivision four of this  
29 section, the court shall release the principal pending trial on the  
30 principal's own recognizance, unless the court finds on the record [~~or~~]  
31 and in writing that:

32 (a) release on the principal's own recognizance will not reasonably  
33 assure the principal's return to court. In such instances, the court  
34 shall release the principal under non-monetary conditions as provided  
35 for in subdivision three-a of section 500.10 of this title that will  
36 reasonably assure the principal's return to court. The court shall  
37 explain its choice of securing order on the record or in writing; or

38 (b) the principal poses a risk of danger to a person or the community.  
39 In such instances, the court may in its discretion release the principal  
40 pending trial under non-monetary conditions or commit the principal  
41 to the custody of the sheriff, considering the kind and degree of control  
42 or restriction necessary to reasonably assure the safety of such person  
43 or the community. A securing order committing the principal to the  
44 custody of the sheriff shall be limited to a duration of ninety days  
45 where the principal stands charged with a misdemeanor or one hundred  
46 eighty days where the principal stands charged with a felony. Where a  
47 principal is committed to the custody of the sheriff, the prosecutor may  
48 make a motion to extend the duration of such custody beyond the limits  
49 imposed pursuant to this paragraph, where such extension is appropriate  
50 in the interests of justice. The court shall explain its choice of  
51 alternative and conditions on the record and in writing.

52 § 2. Paragraph (a) and the opening paragraph of paragraph (b) of  
53 subdivision 1 of section 530.20 of the criminal procedure law, as  
54 amended by section 6 of subpart A of part VV of chapter 56 of the laws  
55 of 2023, are amended to read as follows:

1 (a) In cases other than as described in paragraph (b) of this subdivi-  
2 sion, the court shall release the principal pending trial on the princi-  
3 pal's own recognizance [~~or~~], release the principal pending trial under  
4 non-monetary conditions, or commit the principal to the custody of the  
5 sheriff, the determination for which shall be made in accordance with  
6 subdivision one of section 510.10 of this title. The court shall explain  
7 the basis for its determination and choice of securing order on the  
8 record or in writing.

9 Where the principal stands charged with a qualifying offense, the  
10 court, unless otherwise prohibited by law, may in its discretion release  
11 the principal pending trial on the principal's own recognizance or under  
12 non-monetary conditions, fix bail, order non-monetary conditions in  
13 conjunction with fixing bail, or, where the defendant is charged with a  
14 qualifying offense [~~which is a felony~~], the court may commit the princi-  
15 pal to the custody of the sheriff. The court shall explain its choice of  
16 securing order on the record or in writing. A principal stands charged  
17 with a qualifying offense when [~~he or she~~] such principal stands charged  
18 with:

19 § 3. Subdivision 3 of section 530.40 of the criminal procedure law, as  
20 amended by section 8 of subpart A of part VV of chapter 56 of the laws  
21 of 2023, is amended to read as follows:

22 3. In cases other than as described in subdivision four of this  
23 section the court shall release the principal pending trial on the prin-  
24 cipal's own recognizance [~~or~~], release the principal pending trial under  
25 non-monetary conditions, or commit the principal to the custody of the  
26 sheriff, the determination for which shall be made in accordance with  
27 section 510.10 of this title. The court shall explain the basis for its  
28 determination and choice of securing order on the record or in writing.

29 § 4. Subparagraphs (i), (ii) and (iv) of paragraph (a) of subdivision  
30 1 of section 245.10 of the criminal procedure law, as amended by section  
31 1 of part HHH of chapter 56 of the laws of 2020, are amended to read as  
32 follows:

33 (i) When a defendant is in custody during the pendency of the criminal  
34 case, the prosecution shall perform its initial discovery obligations  
35 within [~~twenty~~] forty-five calendar days after the defendant's arraign-  
36 ment on an indictment, superior court information, prosecutor's informa-  
37 tion, information, simplified information, misdemeanor complaint or  
38 felony complaint.

39 (ii) When the defendant is not in custody during the pendency of the  
40 criminal case, the prosecution shall perform its initial discovery obli-  
41 gations within [~~thirty-five~~] sixty calendar days after the defendant's  
42 arraignment on an indictment, superior court information, prosecutor's  
43 information, information, simplified information, misdemeanor complaint  
44 or felony complaint.

45 (iv)(A) Portions of materials claimed to be non-discoverable may be  
46 withheld pending a determination and ruling of the court under section  
47 245.70 of this article; but the defendant shall be notified in writing  
48 that information has not been disclosed under a particular subdivision  
49 of such section, and the discoverable portions of such materials shall  
50 be disclosed to the extent practicable. Information related to or  
51 evidencing the identity of a 911 caller, the victim or witness of any  
52 felony defined under article one hundred twenty-five of the penal law or  
53 an offense defined under article one hundred thirty or sections 230.34  
54 and 230.34-a of the penal law, or any other victim or witness of a crime  
55 where the defendant has substantiated affiliation with a criminal enter-  
56 prise as defined in subdivision three of section 460.10 of the penal

1 law, or a confidential informant may be withheld, provided, however, the  
2 defendant may move the court for disclosure.

3 (B) When the discoverable materials are exceptionally voluminous or,  
4 despite diligent, good faith efforts, are otherwise not in the actual  
5 possession of the prosecution, the time period in this paragraph may be  
6 extended pursuant to a motion pursuant to subdivision two of section  
7 245.70 of this article. For purposes of this article, voluminous materi-  
8 als may include, but are not limited to, video footage from body worn  
9 cameras, surveillance cameras or dashboard cameras.

10 § 5. The opening paragraph and paragraphs (c), (h) and (u) of subdivi-  
11 sion 1 of section 245.20 of the criminal procedure law, the opening  
12 paragraph and paragraphs (h) and (u) as added by section 2 of part LLL  
13 of chapter 59 of the laws of 2019, and paragraph (c) as amended by  
14 section 2 of part HHH of chapter 56 of the laws of 2020, are amended to  
15 read as follows:

16 The prosecution shall disclose to the defendant, and permit the  
17 defendant to discover, inspect, copy, photograph and test, all items and  
18 information that [~~relate~~] are relevant to the subject matter of the case  
19 and are in the possession, custody or control of the prosecution or  
20 persons under the prosecution's direction or control, including but not  
21 limited to:

22 (c) The names and adequate contact information for all persons other  
23 than law enforcement personnel whom the prosecutor knows to have  
24 evidence or information relevant to any offense charged or to any poten-  
25 tial defense thereto, including a designation by the prosecutor as to  
26 which of those persons may be called as witnesses. Nothing in this para-  
27 graph shall require the disclosure of physical addresses; provided,  
28 however, upon a motion and good cause shown the court may direct the  
29 disclosure of a physical address. Information under this subdivision  
30 relating to the identity of a 911 caller, the victim or witness of any  
31 felony defined under article one hundred twenty-five of the penal law or  
32 an offense defined under article one hundred thirty or section 230.34 or  
33 230.34-a of the penal law, any other victim or witness of a crime where  
34 the defendant has substantiated affiliation with a criminal enterprise  
35 as defined in subdivision three of section 460.10 of the penal law, or a  
36 confidential informant may be withheld, and redacted from discovery  
37 materials, without need for a motion pursuant to section 245.70 of this  
38 article; but the prosecution shall notify the defendant in writing that  
39 such information has not been disclosed, unless the court rules other-  
40 wise for good cause shown.

41 (h) All photographs and drawings made or completed by a public servant  
42 engaged in law enforcement activity, or which were made by a person whom  
43 the prosecutor intends to call as a witness at trial or a pre-trial  
44 hearing, or which [~~relate~~] are relevant to the subject matter of the  
45 case.

46 (u) (i) A copy of all electronically created or stored information  
47 seized or obtained by or on behalf of law enforcement from: (A) the  
48 defendant as described in subparagraph (ii) of this paragraph; or (B) a  
49 source other than the defendant which [~~relates~~] is relevant to the  
50 subject matter of the case.

51 (ii) If the electronically created or stored information originates  
52 from a device, account, or other electronically stored source that the  
53 prosecution believes the defendant owned, maintained, or had lawful  
54 access to and is within the possession, custody or control of the prose-  
55 cution or persons under the prosecution's direction or control, the

1 prosecution shall provide a complete copy of the electronically created  
2 or stored information from the device or account or other source.

3 (iii) If possession of such electronically created or stored informa-  
4 tion would be a crime under New York state or federal law, the prose-  
5 cution shall make those portions of the electronically created or stored  
6 information that are not criminal to possess available as specified  
7 under this paragraph and shall afford counsel for the defendant access  
8 to inspect contraband portions at a supervised location that provides  
9 regular and reasonable hours for such access, such as a prosecutor's  
10 office, police station, or court.

11 (iv) This paragraph shall not be construed to alter or in any way  
12 affect the right to be free from unreasonable searches and seizures or  
13 such other rights a suspect or defendant may derive from the state  
14 constitution or the United States constitution. If in the exercise of  
15 reasonable diligence the information under this paragraph is not avail-  
16 able for disclosure within the time period required by subdivision one  
17 of section 245.10 of this article, that period shall be stayed without  
18 need for a motion pursuant to subdivision two of section 245.70 of this  
19 article, except that the prosecution shall notify the defendant in writ-  
20 ing that such information has not been disclosed, and such disclosure  
21 shall be made as soon as practicable and not later than forty-five  
22 calendar days before the first scheduled trial date, unless an order is  
23 obtained pursuant to section 245.70 of this article.

24 § 6. Subdivision 1 of section 245.30 of the criminal procedure law, as  
25 added by section 2 of part LLL of chapter 59 of the laws of 2019, is  
26 amended to read as follows:

27 1. Order to preserve evidence. At any time, a party may move for a  
28 court order to any individual, agency or other entity in possession,  
29 custody or control of items which [~~relate~~ are relevant] to the subject  
30 matter of the case [~~or are otherwise relevant,~~] requiring that such  
31 items be preserved for a specified period of time. The court shall hear  
32 and rule upon such motions expeditiously. The court may modify or vacate  
33 such an order upon a showing that preservation of particular evidence  
34 will create significant hardship to such individual, agency or entity,  
35 on condition that the probative value of that evidence is preserved by a  
36 specified alternative means.

37 § 7. Subdivision 2 of section 245.55 of the criminal procedure law, as  
38 added by section 2 of part LLL of chapter 59 of the laws of 2019, is  
39 amended to read as follows:

40 2. Provision of law enforcement agency files. Absent a court order or  
41 a requirement that defense counsel obtain a security clearance mandated  
42 by law or authorized government regulation, upon request by the prose-  
43 cution, each New York state and local law enforcement agency shall make  
44 available to the prosecution a [~~complete~~] relevant copy of its complete records  
45 and files [~~related~~] relevant to the investigation of the case or the  
46 prosecution of the defendant for compliance with this article.

47 § 8. Subdivision 2 of section 510.50 of the criminal procedure law,  
48 as added by section 9 of part JJJ of chapter 59 of the laws of 2019, is  
49 amended to read as follows:

50 2. Except when the principal is charged with a new crime while at  
51 liberty, or when a principal fails to appear for a scheduled court  
52 appearance involving a charge of a hate crime as defined in section  
53 485.05 of the penal law, absent relevant, credible evidence demonstrat-  
54 ing that a principal's failure to appear for a scheduled court appear-  
55 ance was willful, the court, prior to issuing a bench warrant for a  
56 failure to appear for a scheduled court appearance, shall provide at

1 least forty-eight hours notice to the principal or the principal's coun-  
2 sel that the principal is required to appear, in order to give the prin-  
3 cipal an opportunity to appear voluntarily.

4 § 9. Paragraph (a) of subdivision 1 and subdivision 2 of section  
5 150.20 of the criminal procedure law, paragraph (a) of subdivision 1 as  
6 separately amended by section 1 of subpart B of part VV of chapter 56 of  
7 the laws of 2023 and chapter 23 of the laws of 2024, and subdivision 2  
8 as amended by section 2 of subpart B of part VV of chapter 56 of the  
9 laws of 2023, are amended and a new paragraph (c) is added to subdivi-  
10 sion 1 to read as follows:

11 (a) Whenever a police officer is authorized pursuant to section 140.10  
12 of this title to arrest a person without a warrant for an offense other  
13 than a class A, B, C or D felony or a violation of section 130.25,  
14 former section 130.40, section 205.10, 205.17, 205.19 [~~ex~~], 215.56 or  
15 265.55 of the penal law, or other than where an arrest is required to be  
16 made pursuant to subdivision four of section 140.10 of this title, the  
17 officer shall, except as set out in [~~paragraph~~] paragraphs (b) and (c)  
18 of this subdivision, subject to the provisions of subdivisions three and  
19 four of section 150.40 of this title, instead issue to and serve upon  
20 such person an appearance ticket.

21 (c) An officer shall not issue an appearance ticket if:

22 (i) the person has a pending case for the same offense within the  
23 previous six months; or

24 (ii) the person has been convicted of the same offense within the  
25 previous two years.

26 2. (a) Whenever, pursuant to section 140.10 of this title, a police  
27 officer has arrested a person without a warrant for an offense other  
28 than a class A, B, C or D felony or a violation of section 130.25,  
29 130.40, 205.10, 205.17, 205.19 [~~ex~~], 215.56 or 265.55 of the penal law  
30 or other than where an arrest was required to be made pursuant to subdivi-  
31 sion four of section 140.10 of this title, or (b) whenever a peace  
32 officer, who is not authorized by law to issue an appearance ticket, has  
33 arrested a person for an offense other than a class A, B, C or D felony  
34 or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 [~~ex~~],  
35 215.56 or 265.55 of the penal law pursuant to section 140.25 of this  
36 title, and such peace officer has requested a police officer to issue  
37 and serve upon such arrested person an appearance ticket pursuant to  
38 subdivision four of section 140.27 of this title, or (c) whenever a  
39 person has been arrested for an offense other than a class A, B, C or D  
40 felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19  
41 [~~ex~~], 215.56 or 265.55 of the penal law and such person has been deliv-  
42 ered to the custody of an appropriate police officer pursuant to section  
43 140.40 of this title, such police officer may, instead of bringing such  
44 person before a local criminal court and promptly filing or causing the  
45 arresting peace officer or arresting person to file a local criminal  
46 court accusatory instrument therewith, issue to and serve upon such  
47 person an appearance ticket.

48 § 10. This act shall take effect immediately.