

# STATE OF NEW YORK

6597

2025-2026 Regular Sessions

## IN ASSEMBLY

March 6, 2025

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

AN ACT to amend the criminal procedure law, in relation to authorizing bail for certain offenses involving violent threats against a school district, school, school staff or a student

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 a new paragraph (v) is added to read as  
5 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~~ their own recognizance, released under conditions, or had  
11 yet to be arraigned after the issuance of a desk appearance ticket for a  
12 separate felony or class A misdemeanor involving harm to an identifiable  
13 person 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~~ paragraph, any of the underlying crimes need not  
18 be a qualifying offense as defined in this subdivision. For the purposes  
19 of this paragraph, "harm to an identifiable person or property" shall  
20 include but not be limited to theft of or damage to property. However,  
21 based upon a review of the facts alleged in the accusatory instrument,  
22 if the court determines that such theft is negligible and does not  
23 appear to be in furtherance of other criminal activity, the principal

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

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1 shall be released on [~~his or her~~] their own recognizance or under appro-  
2 priate non-monetary conditions; [~~or~~]

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

7 (v) aggravated harassment in the second degree as defined in section  
8 240.30 of the penal law, aggravated harassment in the first degree as  
9 defined in section 240.31 of the penal law, making a threat of mass harm  
10 as defined in section 240.78 of the penal law or aggravated threat of  
11 mass harm as defined in section 240.79 of the penal law, and is alleged  
12 to have committed such offense against a school district, school, school  
13 staff or a student.

14 § 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of  
15 section 530.20 of the criminal procedure law, subparagraph (xx) as  
16 amended and subparagraph (xxi) as added by section 4 of subpart C of  
17 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-  
18 agraph (xxii) is added to read as follows:

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

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

42 (xxii) aggravated harassment in the second degree as defined in  
43 section 240.30 of the penal law, aggravated harassment in the first  
44 degree as defined in section 240.31 of the penal law, making a threat of  
45 mass harm as defined in section 240.78 of the penal law or aggravated  
46 threat of mass harm as defined in section 240.79 of the penal law, and  
47 is alleged to have committed such offense against a school district,  
48 school, school staff or a student.

49 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
50 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
51 added by section 4 of subpart B of part UU of chapter 56 of the laws of  
52 2022, are amended and a new paragraph (v) is added to read as follows:

53 (t) any felony or class A misdemeanor involving harm to an identifi-  
54 able person or property, or any charge of criminal possession of a  
55 firearm as defined in section 265.01-b of the penal law, where such  
56 charge arose from conduct occurring while the defendant was released on

1 [~~his or her~~] their own recognizance, released under conditions, or had  
2 yet to be arraigned after the issuance of a desk appearance ticket for a  
3 separate felony or class A misdemeanor involving harm to an identifiable  
4 person or property, or any charge of criminal possession of a firearm as  
5 defined in section 265.01-b of the penal law, provided, however, that  
6 the prosecutor must show reasonable cause to believe that the defendant  
7 committed the instant crime and any underlying crime. For the purposes  
8 of this [~~subparagraph~~] paragraph, any of the underlying crimes need not  
9 be a qualifying offense as defined in this subdivision. For the purposes  
10 of this paragraph, "harm to an identifiable person or property" shall  
11 include but not be limited to theft of or damage to property. However,  
12 based upon a review of the facts alleged in the accusatory instrument,  
13 if the court determines that such theft is negligible and does not  
14 appear to be in furtherance of other criminal activity, the principal  
15 shall be released on [~~his or her~~] their own recognizance or under appro-  
16 priate non-monetary conditions; [~~or~~]

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

21 (v) aggravated harassment in the second degree as defined in section  
22 240.30 of the penal law, aggravated harassment in the first degree as  
23 defined in section 240.31 of the penal law, making a threat of mass harm  
24 as defined in section 240.78 of the penal law or aggravated threat of  
25 mass harm as defined in section 240.79 of the penal law, and is alleged  
26 to have committed such offense against a school district, school, school  
27 staff or a student.

28 § 4. This act shall take effect immediately.