

# STATE OF NEW YORK

7064

2025-2026 Regular Sessions

## IN ASSEMBLY

March 20, 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 offenses involving situations where a person physically harms another or engages in conduct that results in an unacceptable level of danger as qualifying offenses for the purpose of allowing a principal to be eligible to be held on bail; and to require the Office of Court Administration to establish an electronic tracking system maintaining a record of all bail decisions and to deliver a report to the legislature

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

1 Section 1. Paragraphs (a), (m), (t) and (u) of subdivision 4 of  
2 section 510.10 of the criminal procedure law, paragraph (a) as amended  
3 and paragraph (m) as added by section 2 of part UU of chapter 56 of the  
4 laws of 2020, and paragraph (t) as amended and paragraph (u) as added by  
5 section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are  
6 amended and seven new paragraphs (v), (w), (x), (y), (z), (aa) and (bb)  
7 are added to read as follows:

8 (a) a felony enumerated in section 70.02 of the penal law [~~other than~~  
9 ~~robbery in the second degree as defined in subdivision one of section~~  
10 ~~160.10 of the penal law, provided, however, that burglary in the second~~  
11 ~~degree as defined in subdivision two of section 140.25 of the penal law~~  
12 ~~shall be a qualifying offense only where the defendant is charged with~~  
13 ~~entering the living area of the dwelling~~];

14 (m) assault in the third degree as defined in section 120.00 of the  
15 penal law [~~or arson in the third degree as defined in section 150.10 of~~  
16 ~~the penal law~~], when such crime is charged as a hate crime as defined in  
17 section 485.05 of the penal law;

18 (t) any felony or class A misdemeanor involving harm to an identifi-  
19 able person or property, or any charge of criminal possession of a

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

LBD09472-01-5

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

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

22 (v) assault in the third degree as defined in section 120.00 of the  
23 penal law; reckless assault of a child by a child day care provider as  
24 defined in section 120.01 of the penal law; vehicular assault in the  
25 second degree as defined in section 120.03 of the penal law; menacing in  
26 the first degree as defined in section 120.13 of the penal law; menacing  
27 in the second degree as defined in section 120.14 of the penal law;  
28 menacing in the third degree as defined in section 120.15 of the penal  
29 law; reckless endangerment in the second degree as defined in section  
30 120.20 of the penal law; reckless endangerment in the first degree as  
31 defined in section 120.25 of the penal law; stalking in the third degree  
32 as defined in section 120.50 of the penal law; or stalking in the second  
33 degree as defined in section 120.55 of the penal law;

34 (w) unlawful imprisonment in the second degree as defined in section  
35 135.05 of the penal law;

36 (x) burglary in the third degree as defined in section 140.20 of the  
37 penal law;

38 (y) arson in the fifth degree as defined in section 150.01; arson in  
39 the fourth degree as defined in section 150.05 of the penal law; or  
40 arson in the third degree as defined in section 150.10 of the penal  
41 law;

42 (z) public lewdness in the first degree as defined in section 245.03  
43 of the penal law;

44 (aa) criminal possession of a rapid-fire modification device as  
45 defined in section 265.01-c of the penal law; criminal possession of a  
46 weapon in a restricted location as defined in section 265.01-d of the  
47 penal law; criminal possession of a firearm, rifle or shotgun in a  
48 sensitive location as defined in section 265.01-e of the penal law; a  
49 violation of manufacture, transport, disposition and defacement of weap-  
50 ons and dangerous instruments and appliances as defined in subdivision  
51 five of section 265.10 of the penal law; prohibited use of weapons as  
52 defined in subdivision three of section 265.35 of the penal law; or  
53 unlawful possession of certain ammunition feeding devices as defined in  
54 section 265.37 of the penal law; or

55 (bb) unlawful fleeing a police officer in a motor vehicle in the third  
56 degree as defined in section 270.25 of the penal law.

1 § 2. Subparagraphs (i), (xiii), (xx) and (xxi) of paragraph (b) of  
2 subdivision 1 of section 530.20 of the criminal procedure law, subpara-  
3 graphs (i) and (xiii) as amended by section 3 of part UU of chapter 56  
4 of the laws of 2020, and subparagraph (xx) as amended and subparagraph  
5 (xxi) as added by section 4 of subpart C of part UU of chapter 56 of the  
6 laws of 2022, are amended and seven new subparagraphs (xxii), (xxiii),  
7 (xxiv), (xxv), (xxvi), (xxvii) and (xxviii) are added to read as  
8 follows:

9 (i) a felony enumerated in section 70.02 of the penal law[~~, other than~~  
10 ~~robbery in the second degree as defined in subdivision one of section~~  
11 ~~160.10 of the penal law, provided, however, that burglary in the second~~  
12 ~~degree as defined in subdivision two of section 140.25 of the penal law~~  
13 ~~shall be a qualifying offense only where the defendant is charged with~~  
14 ~~entering the living area of the dwelling];~~

15 (xiii) assault in the third degree as defined in section 120.00 of the  
16 penal law [~~or arson in the third degree as defined in section 150.10 of~~  
17 ~~the penal law], when such crime is charged as a hate crime as defined in  
18 section 485.05 of the penal law;~~

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 own recognizance, released under conditions, or had yet to be~~  
24 ~~arraigned after the issuance of a desk appearance ticket for a separate~~  
25 ~~felony or class A misdemeanor involving harm to an identifiable person~~  
26 ~~or property, provided, however, that the prosecutor must show reasonable~~  
27 ~~cause to believe that the defendant committed the instant crime and any~~  
28 ~~underlying crime. For the purposes of this subparagraph, any of the~~  
29 ~~underlying crimes need not be a qualifying offense as defined in this~~  
30 ~~subdivision]. For the purposes of this paragraph, "harm to an identifi-  
31 able person or property" shall include but not be limited to theft of or  
32 damage to property. However, based upon a review of the facts alleged in  
33 the accusatory instrument, if the court determines that such theft is  
34 negligible and does not appear to be in furtherance of other criminal  
35 activity, the principal shall be released on [~~his or her~~] the princi-  
36 pal's own recognizance or under appropriate non-monetary conditions;  
37 [~~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[~~+~~];

42 (xxii) assault in the third degree as defined in section 120.00 of the  
43 penal law; reckless assault of a child by a child day care provider as  
44 defined in section 120.01 of the penal law; vehicular assault in the  
45 second degree as defined in section 120.03 of the penal law; menacing in  
46 the first degree as defined in section 120.13 of the penal law; menacing  
47 in the second degree as defined in section 120.14 of the penal law;  
48 menacing in the third degree as defined in section 120.15 of the penal  
49 law; reckless endangerment in the second degree as defined in section  
50 120.20 of the penal law; reckless endangerment in the first degree as  
51 defined in section 120.25 of the penal law; stalking in the third degree  
52 as defined in section 120.50 of the penal law; or stalking in the second  
53 degree as defined in section 120.55 of the penal law;

54 (xxiii) unlawful imprisonment in the second degree as defined in  
55 section 135.05 of the penal law;

1 (xxiv) burglary in the third degree as defined in section 140.20 of  
2 the penal law;

3 (xxv) arson in the fifth degree as defined in section 150.01; arson in  
4 the fourth degree as defined in section 150.05 of the penal law; or  
5 arson in the third degree as defined in section 150.10 of the penal  
6 law;

7 (xxvi) public lewdness in the first degree as defined in section  
8 245.03 of the penal law;

9 (xxvii) criminal possession of a rapid-fire modification device as  
10 defined in section 265.01-c of the penal law; criminal possession of a  
11 weapon in a restricted location as defined in section 265.01-d of the  
12 penal law; criminal possession of a firearm, rifle or shotgun in a  
13 sensitive location as defined in section 265.01-e of the penal law; a  
14 violation of manufacture, transport, disposition and defacement of weap-  
15 ons and dangerous instruments and appliances as defined in subdivision  
16 five of section 265.10 of the penal law; prohibited use of weapons as  
17 defined in subdivision three of section 265.35 of the penal law; or  
18 unlawful possession of certain ammunition feeding devices as defined in  
19 section 265.37 of the penal law; or

20 (xxviii) unlawful fleeing a police officer in a motor vehicle in the  
21 third degree as defined in section 270.25 of the penal law.

22 § 3. Paragraphs (a), (m), (t) and (u) of subdivision 4 of section  
23 530.40 of the criminal procedure law, paragraph (a) as amended and para-  
24 graph (m) as added by section 4 of part UU of chapter 56 of the laws of  
25 2020, and paragraph (t) as amended and paragraph (u) as added by section  
26 4 of subpart B of part UU of chapter 56 of the laws of 2022 are amended  
27 and seven new paragraphs (v), (w), (x), (y), (z), (aa) and (bb) are  
28 added to read as follows:

29 (a) a felony enumerated in section 70.02 of the penal law[~~, other than~~  
30 ~~robbery in the second degree as defined in subdivision one of section~~  
31 ~~160.10 of the penal law, provided, however, that burglary in the second~~  
32 ~~degree as defined in subdivision two of section 140.25 of the penal law~~  
33 ~~shall be a qualifying offense only where the defendant is charged with~~  
34 ~~entering the living area of the dwelling];~~

35 (m) assault in the third degree as defined in section 120.00 of the  
36 penal law [~~or arson in the third degree as defined in section 150.10 of~~  
37 ~~the penal law], when such crime is charged as a hate crime as defined in  
38 section 485.05 of the penal law;~~

39 (t) any felony or class A misdemeanor involving harm to an identifi-  
40 able person or property, or any charge of criminal possession of a  
41 firearm as defined in section 265.01-b of the penal law[~~, where such~~  
42 ~~charge arose from conduct occurring while the defendant was released on~~  
43 ~~his or her own recognizance, released under conditions, or had yet to be~~  
44 ~~arraigned after the issuance of a desk appearance ticket for a separate~~  
45 ~~felony or class A misdemeanor involving harm to an identifiable person~~  
46 ~~or property, or any charge of criminal possession of a firearm as~~  
47 ~~defined in section 265.01-b of the penal law, provided, however, that~~  
48 ~~the prosecutor must show reasonable cause to believe that the defendant~~  
49 ~~committed the instant crime and any underlying crime. For the purposes~~  
50 ~~of this subparagraph, any of the underlying crimes need not be a quali-~~  
51 ~~fying offense as defined in this subdivision]. For the purposes of this~~  
52 paragraph, "harm to an identifiable person or property" shall include  
53 but not be limited to theft of or damage to property. However, based  
54 upon a review of the facts alleged in the accusatory instrument, if the  
55 court determines that such theft is negligible and does not appear to be  
56 in furtherance of other criminal activity, the principal shall be

1 released on [~~his or her~~] the principal's own recognizance or under  
2 appropriate non-monetary conditions; [~~e~~]

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 (v) assault in the third degree as defined in section 120.00 of the  
7 penal law; reckless assault of a child by a child day care provider as  
8 defined in section 120.01 of the penal law; vehicular assault in the  
9 second degree as defined in section 120.03 of the penal law; menacing in  
10 the first degree as defined in section 120.13 of the penal law; menacing  
11 in the second degree as defined in section 120.14 of the penal law;  
12 menacing in the third degree as defined in section 120.15 of the penal  
13 law; reckless endangerment in the second degree as defined in section  
14 120.20 of the penal law; reckless endangerment in the first degree as  
15 defined in section 120.25 of the penal law; stalking in the third degree  
16 as defined in section 120.50 of the penal law; or stalking in the second  
17 degree as defined in section 120.55 of the penal law;

18 (w) unlawful imprisonment in the second degree as defined in section  
19 135.05 of the penal law;

20 (x) burglary in the third degree as defined in section 140.20 of the  
21 penal law;

22 (y) arson in the fifth degree as defined in section 150.01; arson in  
23 the fourth degree as defined in section 150.05 of the penal law; or  
24 arson in the third degree as defined in section 150.10 of the penal  
25 law;

26 (z) public lewdness in the first degree as defined in section 245.03  
27 of the penal law;

28 (aa) criminal possession of a rapid-fire modification device as  
29 defined in section 265.01-c of the penal law; criminal possession of a  
30 weapon in a restricted location as defined in section 265.01-d of the  
31 penal law; criminal possession of a firearm, rifle or shotgun in a  
32 sensitive location as defined in section 265.01-e of the penal law; a  
33 violation of manufacture, transport, disposition and defacement of weap-  
34 ons and dangerous instruments and appliances as defined in subdivision  
35 five of section 265.10 of the penal law; prohibited use of weapons as  
36 defined in subdivision three of section 265.35 of the penal law; or  
37 unlawful possession of certain ammunition feeding devices as defined in  
38 section 265.37 of the penal law; or

39 (bb) unlawful fleeing a police officer in a motor vehicle in the third  
40 degree as defined in section 270.25 of the penal law.

41 § 4. The Office of Court Administration, in conjunction with the New  
42 York State Division of Criminal Justice Services, shall manage an elec-  
43 tronic tracking system maintaining a record of all bail decisions of  
44 judges in this state, specifying by court, the number of cases in which  
45 bail was granted, in which bail was denied and in which no bail was  
46 required. If bail was granted, the average amount of bail required shall  
47 be specified. On or before July 31st of each year, the Office of Court  
48 Administration shall prepare a report detailing the record of cases and  
49 deliver such report to the Speaker of the Assembly and the Temporary  
50 President of the Senate.

51 § 5. This act shall take effect on the sixtieth day after it shall  
52 have become a law; provided that section four of this act shall take  
53 effect one year after it shall have become a law. Effective immediate-  
54 ly, the addition, amendment and/or repeal of any rule or regulation  
55 necessary for the implementation of this act on its effective date are  
56 authorized to be made and completed on or before such effective date.