

STATE OF NEW YORK

10923

IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stern) --
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 committed during a riot

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

1 Section 1. Paragraphs (a) and (t) of subdivision 4 of section 510.10
2 of the criminal procedure law, paragraph (a) as amended and paragraph
3 (t) as added by section 2 of part UU of chapter 56 of the laws of 2020,
4 are amended and a new paragraph (u) is added to read as follows:

5 (a) a felony enumerated in section 70.02 of the penal law, other than
6 robbery in the second degree as defined in subdivision one of section
7 160.10 of the penal law, provided, however, that burglary in the second
8 degree as defined in subdivision two of section 140.25 of the penal law
9 shall be a qualifying offense only where the defendant is charged with
10 entering the living area of the dwelling or is charged with committing
11 such offense while engaging in a riot as defined in article two hundred
12 forty of the penal law;

13 (t) any felony or class A misdemeanor involving harm to an identifi-
14 able person or property, where such charge arose from conduct occurring
15 while the defendant was released on his or her own recognizance or
16 released under conditions for a separate felony or class A misdemeanor
17 involving harm to an identifiable person or property, provided, however,
18 that the prosecutor must show reasonable cause to believe that the
19 defendant committed the instant crime and any underlying crime. For the
20 purposes of this subparagraph, any of the underlying crimes need not be
21 a qualifying offense as defined in this subdivision[~~-~~]; or

22 (u) any felony or class A misdemeanor involving harm to an iden-
23 tifiable person or property, where such charge arose from conduct
24 occurring while the defendant was engaging in a riot as defined in arti-
25 cle two hundred forty of the penal law.

26 § 2. Subparagraphs (i) and (xx) of paragraph (b) of subdivision 1 of
27 section 530.20 of the criminal procedure law, subparagraphs (i) and
28 (xx) as amended by section 3 of part UU of chapter 56 of the laws of

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

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2020, are amended and a new subparagraph (xxi) is added to read as follows:

(i) a felony enumerated in section 70.02 of the penal law, other than robbery in the second degree as defined in subdivision one of section 160.10 of the penal law, provided, however, that burglary in the second degree as defined in subdivision two of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling, or is charged with committing such offense while engaging in a riot as defined in article two hundred forty of the penal law;

(xx) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance or released under conditions for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[+]; or

(xxi) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was engaging in a riot as defined in article two hundred forty of the penal law.

§ 3. Paragraphs (a) and (t) of subdivision 4 of section 530.40 of the criminal procedure law, paragraph (a) as amended and paragraph (t) as added by section 4 of part UU of chapter 56 of the laws of 2020, are amended and a new paragraph (u) is added to read as follows:

(a) a felony enumerated in section 70.02 of the penal law, other than robbery in the second degree as defined in subdivision one of section 160.10 of the penal law, provided, however, that burglary in the second degree as defined in subdivision two of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling or is charged with committing such offense while engaging in a riot as defined in article two hundred forty of the penal law;

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance or released under conditions for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[+]; or

(u) any felony or class A misdemeanor involving harm to an identifiable person or property, where such charge arose from conduct occurring while the defendant was engaging in a riot as defined in article two hundred forty of the penal law.

§ 4. This act shall take effect on the same date and in the same manner as Part UU of chapter 56 of the laws of 2020, takes effect.