

STATE OF NEW YORK

6407--A

2019-2020 Regular Sessions

IN SENATE

June 7, 2019

Introduced by Sens. GAUGHRAN, MARTINEZ, BROOKS, KAPLAN, THOMAS, SAVINO
-- read twice and ordered printed, and when printed to be committed to
the Committee on Rules -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to qualifying
offenses for pre-trial detention

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

1 Section 1. Paragraphs (a), (d), (e), (f), (g), (h) and (i) of subdivi-
2 sion 4 of section 510.10 of the criminal procedure law, as added by
3 section 2 of part JJJ of chapter 59 of the laws of 2019, are amended and
4 six new paragraphs (d-1), (j), (k), (l), (m) and (n) are added to read
5 as follows:
6 (a) a felony enumerated in section 70.02 of the penal law, [~~other than~~
7 ~~burglary in the second degree as defined in subdivision two of section~~
8 ~~140.25 of the penal law or robbery in the second degree as defined in~~
9 ~~subdivision one of section 160.10 of the penal law~~] assault in the third
10 degree as defined in section 120.00 of the penal law, aggravated vehicu-
11 lar assault as defined in section 120.04-a of the penal law, aggravated
12 assault upon a person less than eleven years old as defined in section
13 120.12 of the penal law, criminally negligent homicide as defined in
14 section 125.10 of the penal law, aggravated vehicular homicide as
15 defined in section 125.14 of the penal law, manslaughter in the second
16 degree as defined in section 125.15 of the penal law; unlawful imprison-
17 ment in the first degree as defined in section 135.10 of the penal law,
18 coercion in the first degree as defined in section 135.65 of the penal
19 law, arson in the fourth degree as defined in section 150.05 of the
20 penal law, arson in the third degree as defined in section 150.10, grand
21 larceny in the first degree as defined in section 155.42 of the penal
22 law, criminal possession of a weapon on school grounds as defined in

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

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1 section 265.01-a of the penal law, or criminal possession of a firearm
2 as defined in section 265.01-b of the penal law;

3 (d) a class A felony defined in the penal law, other than in article
4 two hundred twenty of such law with the exception of [~~section~~] sections
5 220.18, 220.21, 220.41, 220.43, 220.44 and 220.77 of such law;

6 (d-1) use of a child to commit a controlled substance offense as
7 defined in section 220.28 of the penal law and criminal sale of a
8 controlled substance to a child as defined in section 220.48 of the
9 penal law;

10 (e) a felony sex offense defined in section 70.80 of the penal law or
11 a crime involving incest as defined in section 255.25, 255.26 or 255.27
12 of such law, promoting prostitution in the first degree as defined in
13 section 230.32 of the penal law, compelling prostitution as defined in
14 section 230.33 of the penal law or a misdemeanor defined in article one
15 hundred thirty of such law;

16 (f) conspiracy in the second degree as defined in section 105.15 of
17 the penal law, where the underlying allegation of such charge is that
18 the defendant conspired to commit a class A felony defined in article
19 one hundred twenty-five of the penal law, criminal solicitation in the
20 first degree as defined in section 100.13 of the penal law or criminal
21 facilitation in the first degree as defined in section 115.08 of the
22 penal law;

23 (g) money laundering in support of terrorism in the first degree as
24 defined in section 470.24 of the penal law; money laundering in support
25 of terrorism in the second degree as defined in section 470.23 of the
26 penal law; money laundering in support of terrorism in the fourth degree
27 as defined in section 470.21 of the penal law, money laundering in
28 support of terrorism in the third degree as defined in section 470.22 of
29 the penal law, or a felony crime of terrorism as defined in article four
30 hundred ninety of the penal law [~~, other than the crime defined in~~
31 ~~section 490.20 of such law~~];

32 (h) criminal contempt in the second degree as defined in subdivision
33 three of section 215.50 of the penal law, criminal contempt in the first
34 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
35 the penal law or aggravated criminal contempt as defined in section
36 215.52 of the penal law, and the underlying allegation of such charge of
37 criminal contempt in the second degree, criminal contempt in the first
38 degree or aggravated criminal contempt is that the defendant violated a
39 duly served order of protection where the protected party is a member of
40 the defendant's same family or household as defined in subdivision one
41 of section 530.11 of this article; [~~ex~~]

42 (i) promoting prostitution in a school zone as defined in section
43 230.19 of the penal law, facilitating a sexual performance by a child
44 with a controlled substance or alcohol as defined in section 263.30 of
45 the penal law, use of a child in a sexual performance as defined in
46 section 263.05 of the penal law, patronizing a person for prostitution
47 in a school zone as defined in section 230.08 of the penal law, promot-
48 ing an obscene sexual performance by a child as defined in section
49 263.10 of the penal law, possessing an obscene sexual performance by a
50 child as defined in section 263.11 of the penal law, promoting a sexual
51 performance by a child as defined in section 263.15 of the penal law,
52 failure to register as a sex offender as defined in section 168-t of the
53 correction law or luring a child as defined in subdivision one of
54 section 120.70 of the penal law [~~-~~];

55 (j) obstructing governmental administration in the second degree as
56 defined in section 195.05 of the penal law, obstructing governmental

1 administration in the first degree as defined in section 195.07,
2 obstructing governmental administration by means of a self-defense spray
3 device as defined in section 195.08, bribery in the first degree as
4 defined in section 200.04 of the penal law, bribe receiving in the first
5 degree as defined in section 200.12 of the penal law, bribe giving for
6 public office as defined in section 200.45 of the penal law, promoting
7 prison contraband in the second degree as defined in section 205.20 of
8 the penal law, promoting prison contraband in the first degree as
9 defined in section 205.25 of the penal law, resisting arrest as defined
10 in section 205.30 of the penal law, hindering prosecution in the first
11 degree as defined in section 205.65 of the penal law, tampering with a
12 juror in the first degree as defined in section 215.25 of the penal law
13 or tampering with physical evidence as defined in section 215.40 of the
14 penal law;

15 (k) public sensibilities and the right to privacy including aggravated
16 harassment in the first degree as defined in section 240.31 of the penal
17 law or directing a laser at an aircraft in the first degree as defined
18 in section 240.77 of the penal law;

19 (l) criminal possession of a weapon in the fourth degree as defined in
20 section 265.01 of the penal law or criminal sale of a firearm to a minor
21 as defined in section 265.16 of the penal law;

22 (m) enterprise corruption as defined in section 460.20 of the penal
23 law or money laundering in the first degree as defined in section 470.20
24 of the penal law; or

25 (n) aggravated cruelty to animals as defined in section three hundred
26 fifty-three-a of the agriculture and markets law, overdriving, torturing
27 and injuring animals; failure to provide proper sustenance as defined in
28 section three hundred fifty-three of the agriculture and markets law, or
29 animal fighting as defined in section three hundred fifty-one of the
30 agriculture and markets law.

31 § 2. This act shall take effect on the same date and in the same
32 manner as section 2 of part JJJ of chapter 59 of the laws of 2019, takes
33 effect.