STATE OF NEW YORK

6407--C

2019-2020 Regular Sessions

IN SENATE

June 7, 2019

Introduced by Sens. GAUGHRAN, MARTINEZ, BROOKS, KAPLAN, THOMAS, HARCKHAM, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- 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 Assembly, do enact as follows:

Section 1. Paragraphs (a), (d), (e), (f), (g), (h) and (i) of subdivision 4 of section 510.10 of the criminal procedure law, as added by section 2 of part JJJ of chapter 59 of the laws of 2019, are amended and seven new paragraphs (d-1), (j), (k), (l), (m), (n) and (o) are added to read as follows:

(a) a felony enumerated in section 70.02 of the penal law, [~~other than burglary in the second degree as defined in subdivision two of section 140.25 of the penal law or robbery in the second degree as defined in subdivision one of section 160.10 of the penal law~~] **assault in the third degree as defined in section 120.00 of the penal law, reckless assault of a child by a child day care provider as defined in section 120.01 of the penal law, aggravated vehicular assault as defined in section 120.04-a of the penal law, aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law, stalking in the fourth degree as defined in section 120.45 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the first degree as defined in section 120.60 of**

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

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the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, vehicular manslaughter in the second degree as defined in section 125.12 of the penal law, vehicular manslaughter in the first degree as defined by section 125.13 of the penal law, aggravated vehicular homicide as defined in section 125.14 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, criminal possession of a weapon on school grounds as defined in section 265.01-a of the penal law, or criminal possession of a firearm as defined in section 265.01-b of the penal law;

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

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

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

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

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

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

(i) prostitution in a school zone as defined in section 230.03 of the penal law, promoting prostitution in a school zone as defined in section 230.19 of the penal law, facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law, patronizing a person for prostitution in a school zone as defined in section 230.08 of the penal law, promoting an obscene sexual performance by a child as defined in section 263.10 of the penal law, possessing an obscene sexual performance by a child as defined in section 263.11 of the penal law, promoting a sexual performance by a child as defined in section 263.15 of the penal law, possessing a sexual performance by a child as defined in section 263.16 of the penal law, failure to register as a sex offender as defined in section 168-t of the correction law or luring a child as defined in subdivision one of section 120.70 of the penal law[~~.~~];

(j) obstructing governmental administration in the second degree as defined in section 195.05 of the penal law, killing or injuring a police animal as defined in section 195.06 of the penal law, killing a police work dog or police work horse as defined in section 195.06-a of the penal law, obstructing governmental administration in the first degree as defined in section 195.07, obstructing governmental administration by means of a self-defense spray device as defined in section 195.08, bribery in the first degree as defined in section 200.04 of the penal law, bribe receiving in the first degree as defined in section 200.12 of the penal law, bribe giving for public office as defined in section 200.45 of the penal law, promoting prison contraband in the second degree as defined in section 205.20 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, resisting arrest as defined in section 205.30 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, tampering with a juror in the first degree as defined in section 215.25 of the penal law or tampering with physical evidence as defined in section 215.40 of the penal law;

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

(l) criminal possession of a weapon in the fourth degree as defined in section 265.01 of the penal law, criminal sale of a firearm to a minor as defined in section 265.16 of the penal law, criminal purchase or disposal of a weapon as defined in section 265.17 of the penal law, or aggravated criminal possession of a weapon as defined in section 265.19 of the penal law;

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

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

(o) a hate crime as defined in section 485.05 of the penal law.

§ 2. This act shall take effect immediately.