

STATE OF NEW YORK

6737

2021-2022 Regular Sessions

IN ASSEMBLY

March 29, 2021

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

AN ACT to amend the criminal procedure law, in relation to the authority to remand a principal charged with certain felony offenses involving the possession of firearms or weapons

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

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

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

14 (u) any felony offense involving criminal possession of a firearm or
15 criminal possession of a weapon in violation of article two hundred
16 sixty-five of the penal law.

17 § 2. Subparagraph (xx) of paragraph (b) of subdivision 1 of section
18 530.20 of the criminal procedure law, as amended by section 3 of part
19 UU of chapter 56 of the laws of 2020, is amended and a new subparagraph
20 (xxi) is added to read as follows:

21 (xx) any felony or class A misdemeanor involving harm to an identifi-
22 able person or property, where such charge arose from conduct occurring
23 while the defendant was released on his or her own recognizance or
24 released under conditions for a separate felony or class A misdemeanor

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

LBD09148-01-1

1 involving harm to an identifiable person or property, provided, however,
2 that the prosecutor must show reasonable cause to believe that the
3 defendant committed the instant crime and any underlying crime. For the
4 purposes of this subparagraph, any of the underlying crimes need not be
5 a qualifying offense as defined in this subdivision[~~+~~]; or

6 (xxi) any felony offense involving criminal possession of a firearm
7 or criminal possession of a weapon in violation of article two hundred
8 sixty-five of the penal law.

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

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 offense involving criminal possession of a firearm or
23 criminal possession of a weapon in violation of article two hundred
24 sixty-five of the penal law.

25 § 4. This act shall take effect immediately.