# STATE OF NEW YORK

7066

2021-2022 Regular Sessions

# IN ASSEMBLY

April 21, 2021

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

AN ACT to amend the criminal procedure law, in relation to including offenses involving the possession, display or discharge of a firearm, rifle, shotgun, machine-gun, or disguised gun as qualifying offenses for the purpose of allowing a principal to be eligible to be held on bail

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

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

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(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~~] **paragraph**, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[~~.~~]**; or**

**(u) any misdemeanor or felony offense as defined in the penal law involving the possession, display or discharge of a firearm, rifle, shotgun, machine-gun, or disguised gun.**

§ 2. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3 of

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

LBD10809-02-1

part UU of chapter 56 of the laws of 2020, are amended and a new subparagraph (xxi) is added to read as follows:

(xix) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(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 misdemeanor or felony offense as defined in the penal law involving the possession, display or discharge of a firearm, rifle, shotgun, machine-gun, or disguised gun.**

§ 3. Paragraphs (s) and (t) of subdivision 4 of section 530.40 of the criminal procedure law, 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:

(s) a felony, where the defendant qualifies for sentencing on such charge as a persistent felony offender pursuant to section 70.10 of the penal law; [~~or~~]

(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~~] **paragraph**, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[~~.~~]**; or**

**(u) any misdemeanor or felony offense as defined in the penal law involving the possession, display or discharge of a firearm, rifle, shotgun, machine-gun, or disguised gun.**

§ 4. This act shall take effect immediately.