

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:

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

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

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

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

20 § 2. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
21 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

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

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

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

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

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

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

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

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

37 § 4. This act shall take effect immediately.