

STATE OF NEW YORK

9381

IN ASSEMBLY

February 23, 2022

Introduced by M. of A. GUNTHER, BUTTENSCHON, LAWLER -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to securing orders for principals charged with arson felony offenses

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

1 Section 1. This act shall be known and may be cited as "Billy's law".
2 § 2. Paragraphs (s) and (t) of subdivision 4 of section 510.10 of the
3 criminal procedure law, as added by section 2 of part UU of chapter 56
4 of the laws of 2020, are amended and a new paragraph (u) is added to
5 read as follows:

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

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

18 (u) arson in the fourth degree as defined in section 150.05 or arson
19 in the third degree as defined in section 150.10 of the penal law.

20 § 3. 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
22 part UU of chapter 56 of the laws of 2020, are amended and a new
23 subparagraph (xxi) is added to read as follows:

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

27 (xx) any felony or class A misdemeanor involving harm to an identifi-
28 able person or property, where such charge arose from conduct occurring

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

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1 while the defendant was released on his or her own recognizance or
2 released under conditions for a separate felony or class A misdemeanor
3 involving harm to an identifiable person or property, provided, however,
4 that the prosecutor must show reasonable cause to believe that the
5 defendant committed the instant crime and any underlying crime. For the
6 purposes of this subparagraph, any of the underlying crimes need not be
7 a qualifying offense as defined in this subdivision[~~+~~]; or

8 (xxi) arson in the fourth degree as defined in section 150.05 or arson
9 in the third degree as defined in section 150.10 of the penal law.

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

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

17 (t) any felony or class A misdemeanor involving harm to an identifi-
18 able person or property, where such charge arose from conduct occurring
19 while the defendant was released on his or her own recognizance or
20 released under conditions for a separate felony or class A misdemeanor
21 involving harm to an identifiable person or property, provided, however,
22 that the prosecutor must show reasonable cause to believe that the
23 defendant committed the instant crime and any underlying crime. For the
24 purposes of this subparagraph, any of the underlying crimes need not be
25 a qualifying offense as defined in this subdivision[~~+~~]; or

26 (u) arson in the fourth degree as defined in section 150.05 or arson
27 in the third degree as defined in section 150.10 of the penal law.

28 § 5. This act shall take effect on the ninetieth day after it shall
29 have become a law.