

# STATE OF NEW YORK

2030

2021-2022 Regular Sessions

## IN SENATE

January 16, 2021

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to ensuring repeat offenders qualify for bail and pre-trial detention

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; ~~[ex]~~

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, any of the underlying crimes need not be  
16 a qualifying offense as defined in this subdivision~~[-]~~; or

17 (u) any other felony offense and the principal has been convicted of  
18 one or more felony offenses within the immediate preceding ten years.

19 § 2. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of  
20 section 530.20 of the criminal procedure law, as amended by section 3 of  
21 part UU of chapter 56 of the laws of 2020, are amended and a new subpar-  
22 agraph (xxi) is added to read as follows:

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

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

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(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 other felony offense and the principal has been convicted of one or more felony offenses within the immediate preceding ten years.

§ 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, any of the underlying crimes need not be a qualifying offense as defined in this subdivision[~~+~~]; or

(u) any other felony offense and the principal has been convicted of one or more felony offenses within the immediate preceding ten years.

§ 4. This act shall take effect immediately.