

# STATE OF NEW YORK

4642

2021-2022 Regular Sessions

## IN SENATE

February 8, 2021

Introduced by Sen. MATTERA -- 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 authorizing bail for certain offenses committed during a riot

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

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

5 (a) a felony enumerated in section 70.02 of the penal law, other than  
6 robbery in the second degree as defined in subdivision one of section  
7 160.10 of the penal law, provided, however, that burglary in the second  
8 degree as defined in subdivision two of section 140.25 of the penal law  
9 shall be a qualifying offense only where the defendant is charged with  
10 entering the living area of the dwelling or is charged with committing  
11 such offense while engaging in a riot as defined in article two hundred  
12 forty of the penal law;

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 or class A misdemeanor involving harm to an iden-  
23 tifiable person or property, where such charge arose from conduct  
24 occurring while the defendant was engaging in a riot as defined in arti-  
25 cle two hundred forty of the penal law.

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

LBD06793-01-1

1 § 2. Subparagraphs (i) and (xx) of paragraph (b) of subdivision 1 of  
2 section 530.20 of the criminal procedure law, subparagraphs (i) and  
3 (xx) as amended by section 3 of part UU of chapter 56 of the laws of  
4 2020, are amended and a new subparagraph (xxi) is added to read as  
5 follows:

6 (i) a felony enumerated in section 70.02 of the penal law, other than  
7 robbery in the second degree as defined in subdivision one of section  
8 160.10 of the penal law, provided, however, that burglary in the second  
9 degree as defined in subdivision two of section 140.25 of the penal law  
10 shall be a qualifying offense only where the defendant is charged with  
11 entering the living area of the dwelling, or is charged with committing  
12 such offense while engaging in a riot as defined in article two hundred  
13 forty of the penal law;

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

23 (xxi) any felony or class A misdemeanor involving harm to an  
24 identifiable person or property, where such charge arose from conduct  
25 occurring while the defendant was engaging in a riot as defined in arti-  
26 cle two hundred forty of the penal law.

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

31 (a) a felony enumerated in section 70.02 of the penal law, other than  
32 robbery in the second degree as defined in subdivision one of section  
33 160.10 of the penal law, provided, however, that burglary in the second  
34 degree as defined in subdivision two of section 140.25 of the penal law  
35 shall be a qualifying offense only where the defendant is charged with  
36 entering the living area of the dwelling or is charged with committing  
37 such offense while engaging in a riot as defined in article two hundred  
38 forty of the penal law;

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

48 (u) any felony or class A misdemeanor involving harm to an  
49 identifiable person or property, where such charge arose from conduct  
50 occurring while the defendant was engaging in a riot as defined  
51 in article two hundred forty of the penal law.

52 § 4. This act shall take effect immediately.