

# STATE OF NEW YORK

7380

2021-2022 Regular Sessions

## IN SENATE

September 15, 2021

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

AN ACT to amend the criminal procedure law, in relation to making the crime of public lewdness eligible for 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; ~~(e)~~

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) public lewdness or public lewdness in the first degree as defined  
18 under article two hundred forty-five of the penal law.

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; ~~(e)~~

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

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

10 (xxi) public lewdness or public lewdness in the first degree as  
11 defined under article two hundred forty-five of the penal law.

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

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

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

28 (u) public lewdness or public lewdness in the first degree as defined  
29 under article two hundred forty-five of the penal law.

30 § 4. This act shall take effect immediately.