

STATE OF NEW YORK

376--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. PAULIN, GRIFFIN, GALEF, BRABENEC -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the application of bail in certain prostitution cases and labor trafficking cases

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

1 Section 1. Paragraphs (t) and (u) of subdivision 4 of section 510.10
2 of the criminal procedure law, paragraph (t) as amended and paragraph
3 (u) as added by section 2 of subpart B of part UU of chapter 56 of the
4 laws of 2022, are amended and two new paragraphs (v) and (w) are added
5 to read as follows:
6 (t) any felony or class A misdemeanor involving harm to an identifi-
7 able person or property, or any charge of criminal possession of a
8 firearm as defined in section 265.01-b of the penal law, where such
9 charge arose from conduct occurring while the defendant was released on
10 his or her own recognizance, released under conditions, or had yet to be
11 arraigned after the issuance of a desk appearance ticket for a separate
12 felony or class A misdemeanor involving harm to an identifiable person
13 or property, or any charge of criminal possession of a firearm as
14 defined in section 265.01-b of the penal law, provided, however, that
15 the prosecutor must show reasonable cause to believe that the defendant
16 committed the instant crime and any underlying crime. For the purposes
17 of this subparagraph, any of the underlying crimes need not be a quali-
18 fying offense as defined in this subdivision. For the purposes of this
19 paragraph, "harm to an identifiable person or property" shall include
20 but not be limited to theft of or damage to property. However, based
21 upon a review of the facts alleged in the accusatory instrument, if the

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

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1 court determines that such theft is negligible and does not appear to be
2 in furtherance of other criminal activity, the principal shall be
3 released on his or her own recognizance or under appropriate non-mone-
4 tary conditions; [~~or~~]

5 (u) criminal possession of a weapon in the third degree as defined in
6 subdivision three of section 265.02 of the penal law or criminal sale of
7 a firearm to a minor as defined in section 265.16 of the penal law[~~-~~];

8 (v) a crime involving promoting prostitution under section 230.25,
9 230.30 or 230.32 of the penal law or compelling prostitution as defined
10 in section 230.33 of the penal law; or

11 (w) labor trafficking as defined in section 135.35 of the penal law or
12 aggravated labor trafficking as defined in section 135.37 of the penal
13 law.

14 § 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
15 section 530.20 of the criminal procedure law, subparagraph (xx) as
16 amended and subparagraph (xxi) as added by section 4 of subpart C of
17 part UU of chapter 56 of the laws of 2022, are amended and two new
18 subparagraphs (xxii) and (xxiii) are added to read as follows:

19 (xx) any felony or class A misdemeanor involving harm to an identifi-
20 able person or property, or any charge of criminal possession of a
21 firearm as defined in section 265.01-b of the penal law where such
22 charge arose from conduct occurring while the defendant was released on
23 his or her own recognizance, released under conditions, or had yet to be
24 arraigned after the issuance of a desk appearance ticket for a separate
25 felony or class A misdemeanor involving harm to an identifiable person
26 or property, provided, however, that the prosecutor must show reasonable
27 cause to believe that the defendant committed the instant crime and any
28 underlying crime. For the purposes of this subparagraph, any of the
29 underlying crimes need not be a qualifying offense as defined in this
30 subdivision. For the purposes of this paragraph, "harm to an identifi-
31 able person or property" shall include but not be limited to theft of or
32 damage to property. However, based upon a review of the facts alleged in
33 the accusatory instrument, if the court determines that such theft is
34 negligible and does not appear to be in furtherance of other criminal
35 activity, the principal shall be released on his or her own recognizance
36 or under appropriate non-monetary conditions; [~~or~~]

37 (xxi) criminal possession of a weapon in the third degree as defined
38 in subdivision three of section 265.02 of the penal law or criminal sale
39 of a firearm to a minor as defined in section 265.16 of the penal
40 law[~~-~~];

41 (xxii) a crime involving promoting prostitution under section 230.25,
42 230.30 or 230.32 of the penal law or compelling prostitution as defined
43 in section 230.33 of the penal law; or

44 (xxiii) labor trafficking as defined in section 135.35 of the penal
45 law or aggravated labor trafficking as defined in section 135.37 of the
46 penal law.

47 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
48 criminal procedure law, paragraph (t) as amended and paragraph (u) as
49 added by section 4 of subpart B of part UU of chapter 56 of the laws of
50 2022, are amended and two new paragraphs (v) and (w) are added to read
51 as follows:

52 (t) any felony or class A misdemeanor involving harm to an identifi-
53 able person or property, or any charge of criminal possession of a
54 firearm as defined in section 265.01-b of the penal law, where such
55 charge arose from conduct occurring while the defendant was released on
56 his or her own recognizance, released under conditions, or had yet to be

1 arraigned after the issuance of a desk appearance ticket for a separate
2 felony or class A misdemeanor involving harm to an identifiable person
3 or property, or any charge of criminal possession of a firearm as
4 defined in section 265.01-b of the penal law, provided, however, that
5 the prosecutor must show reasonable cause to believe that the defendant
6 committed the instant crime and any underlying crime. For the purposes
7 of this subparagraph, any of the underlying crimes need not be a quali-
8 fying offense as defined in this subdivision. For the purposes of this
9 paragraph, "harm to an identifiable person or property" shall include
10 but not be limited to theft of or damage to property. However, based
11 upon a review of the facts alleged in the accusatory instrument, if the
12 court determines that such theft is negligible and does not appear to be
13 in furtherance of other criminal activity, the principal shall be
14 released on his or her own recognizance or under appropriate non-mone-
15 tary conditions; ~~[or]~~

16 (u) criminal possession of a weapon in the third degree as defined in
17 subdivision three of section 265.02 of the penal law or criminal sale of
18 a firearm to a minor as defined in section 265.16 of the penal law~~[+]~~;

19 (v) a crime involving promoting prostitution under section 230.25,
20 230.30 or 230.32 of the penal law or compelling prostitution as defined
21 in section 230.33 of the penal law; or

22 (w) labor trafficking as defined in section 135.35 of the penal law or
23 aggravated labor trafficking as defined in section 135.37 of the penal
24 law.

25 § 4. This act shall take effect on the sixtieth day after it shall
26 have become a law; provided, however, that if part UU of chapter 56 of
27 the laws of 2022 shall not have taken effect on or before such date then
28 sections one, two and three of this act shall take effect on the same
29 date and in the same manner as such chapter of the laws of 2022 takes
30 effect.