

STATE OF NEW YORK

859

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. WALLACE, FAHY, GRIFFIN, McMAHON, JONES, BUTTENS-
CHON, WOERNER, LUPARDO, STERN -- read once and referred to the Commit-
tee on Codes

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

The People of the State of New York, represented in Senate and Assem-
bly, 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 to read as follows:

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

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

16 (u) any of the following offenses where the defendant is required to
17 maintain registration under article six-C of the correction law and
18 designated a level two or level three offender pursuant to subdivision
19 six of section one hundred sixty-eight-1 of the correction law: endan-
20 gering the welfare of a child as defined in section 260.10 of the penal
21 law; public lewdness as defined in section 245.00 of the penal law;
22 exposure of a person as defined in section 245.01 of the penal law;

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

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1 public lewdness in the first degree as defined in section 245.03 of the
2 penal law.

3 § 2. Subparagraphs (xix) and (xx) of paragraph (b) of subdivision 1 of
4 section 530.20 of the criminal procedure law, as amended by section 3 of
5 part UU of chapter 56 of the laws of 2020, are amended to read as
6 follows:

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

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

19 (xxi) any of the following offenses where the defendant is required to
20 maintain registration under article six-C of the correction law and
21 designated a level two or level three offender pursuant to subdivision
22 six of section one hundred sixty-eight-1 of the correction law: endan-
23 gering the welfare of a child as defined in section 260.10 of the penal
24 law; public lewdness as defined in section 245.00 of the penal law;
25 exposure of a person as defined in section 245.01 of the penal law;
26 public lewdness in the first degree as defined in section 245.03 of the
27 penal law.

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

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

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

43 (u) any of the following offenses where the defendant is required to
44 maintain registration under article six-C of the correction law and
45 designated a level two or level three offender pursuant to subdivision
46 six of section one hundred sixty-eight-1 of the correction law: endan-
47 gering the welfare of a child as defined in section 260.10 of the penal
48 law; public lewdness as defined in section 245.00 of the penal law;
49 exposure of a person as defined in section 245.01 of the penal law;
50 public lewdness in the first degree as defined in section 245.03 of the
51 penal law.

52 § 4. This act shall take effect on the ninetieth day after it shall
53 have become a law.