

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.