

STATE OF NEW YORK

7300

2021-2022 Regular Sessions

IN SENATE

July 21, 2021

Introduced by Sen. WEIK -- 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 any offense involving the use or possession of a firearm, shotgun or rifle bail eligible

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; [~~or~~]

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) any misdemeanor or felony offense involving the use or possession
18 of a firearm, shotgun or rifle.

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:

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

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

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

13 (xxi) any misdemeanor or felony offense involving the use or
14 possession of a firearm, shotgun or rifle.

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

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

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

31 (u) any misdemeanor or felony offense involving the use or possession
32 of a firearm, shotgun or rifle.

33 § 4. This act shall take effect immediately.