

# STATE OF NEW YORK

6339

2023-2024 Regular Sessions

## IN ASSEMBLY

April 5, 2023

Introduced by M. of A. DeSTEFANO -- read once and referred to the  
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to allowing  
judges more options for when to impose bail or commit the principal to  
the custody of the sheriff

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

1 Section 1. Paragraph (a) of subdivision 4 of section 510.10 of the  
2 criminal procedure law, as amended by section 2 of part UU of chapter 56  
3 of the laws of 2020, is amended and a new paragraph (j-1) is added to  
4 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;

11 (j-1) a crime which resulted in death or serious physical injury;

12 § 2. Subparagraph (i) of paragraph (b) of subdivision 1 of section  
13 530.20 of the criminal procedure law, as amended by section 3 of part UU  
14 of chapter 56 of the laws of 2020, is amended and a new subparagraph  
15 (x-1) is added to read as follows:

16 (i) a felony enumerated in section 70.02 of the penal law[~~, other than~~  
17 ~~robbery in the second degree as defined in subdivision one of section~~  
18 ~~160.10 of the penal law~~], provided, however, that burglary in the second  
19 degree as defined in subdivision two of section 140.25 of the penal law  
20 shall be a qualifying offense only where the defendant is charged with  
21 entering the living area of the dwelling;

22 (x-1) a crime which resulted in death or serious physical injury;

23 § 3. Paragraph (a) of subdivision 4 of section 530.40 of the criminal  
24 procedure law, as amended by section 4 of part UU of chapter 56 of the

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

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2 follows:

3 (a) a felony enumerated in section 70.02 of the penal law[~~7, other than~~  
4 ~~robbery in the second degree as defined in subdivision one of section~~  
5 ~~160.10 of the penal law~~], provided, however, that burglary in the second  
6 degree as defined in subdivision two of section 140.25 of the penal law  
7 shall be a qualifying offense only where the defendant is charged with  
8 entering the living area of the dwelling;

9 (j-1) a crime which resulted in death or serious physical injury;

10 § 4. This act shall take effect on the first of November next succeed-  
11 ing the date upon which it shall have become a law.