

STATE OF NEW YORK

7031

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. ZEBROWSKI, WILLIAMS, PAULIN, LAVINE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to including a class E felony and a class A misdemeanor involving harm to an identifiable person or to identifiable property if the person has been convicted of any felony or class A misdemeanor within the previous three years or any other misdemeanor within the previous two years in the exceptions to the authority of a police officer to arrest a person without a warrant and to the authority of a public servant other than a police officer to serve an appearance ticket

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

1 Section 1. Paragraph (a) of subdivision 1 and subdivisions 2 and 3 of
2 section 150.20 of the criminal procedure law, paragraph (a) of subdivi-
3 sion 1 as amended by section 1-a of part JJJ of chapter 59 of the laws
4 of 2019 and subdivisions 2 and 3 as amended by chapter 550 of the laws
5 of 1987, are amended to read as follows:

6 (a) Whenever a police officer is authorized pursuant to section 140.10
7 of this title to arrest a person without a warrant for an offense other
8 than a class A, B, C [~~ex~~], D or E felony, or a class A misdemeanor
9 involving harm to an identifiable person or to identifiable property if
10 the person has been convicted of any felony or class A misdemeanor with-
11 in the previous three years or any other misdemeanor within the previous
12 two years, or a violation of section 130.25, 130.40, 205.10, 205.17,
13 205.19 or 215.56 of the penal law, he shall, except as set out in para-
14 graph (b) of this subdivision, subject to the provisions of subdivisions
15 three and four of section 150.40 of this [~~title~~] article, instead issue
16 to and serve upon such person an appearance ticket.

17 2. (a) Whenever a police officer has arrested a person without a
18 warrant for an offense other than a class A, B, C [~~ex~~], D or E felony,
19 or a class A misdemeanor involving harm to an identifiable person or to

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

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1 identifiable property if the person has been convicted of any felony or
2 class A misdemeanor within the previous three years or any other misde-
3 meanor within the previous two years, or a violation of section 130.25,
4 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to
5 section 140.10 of this title, or (b) whenever a peace officer, who is
6 not authorized by law to issue an appearance ticket, has arrested a
7 person for an offense other than a class A, B, C [~~or~~], D or E felony, or
8 a class A misdemeanor involving harm to an identifiable person or to
9 identifiable property if the person has been convicted of any felony or
10 class A misdemeanor within the previous three years or any other misde-
11 meanor within the previous two years, or a violation of section 130.25,
12 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to
13 section 140.25 of this title, and has requested a police officer to
14 issue and serve upon such arrested person an appearance ticket pursuant
15 to subdivision four of section 140.27, or (c) whenever a person has been
16 arrested for an offense other than a class A, B, C [~~or~~], D or E felony, or
17 or a class A misdemeanor involving harm to an identifiable person or to
18 identifiable property if the person has been convicted of any felony or
19 class A misdemeanor within the previous three years or any other misde-
20 meanor within the previous two years, or a violation of section 130.25,
21 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law and has been
22 delivered to the custody of an appropriate police officer pursuant to
23 section 140.40 of this title, such police officer may, instead of bring-
24 ing such person before a local criminal court and promptly filing or
25 causing the arresting peace officer or arresting person to file a local
26 criminal court accusatory instrument therewith, issue to and serve upon
27 such person an appearance ticket. [~~The issuance and service of an~~
28 ~~appearance ticket under such circumstances may be conditioned upon a~~
29 ~~deposit of pre-arraignment bail, as provided in section 150.30.~~]

30 3. A public servant other than a police officer, who is specially
31 authorized by state law or local law enacted pursuant to the provisions
32 of the municipal home rule law to issue and serve appearance tickets
33 with respect to designated offenses other than class A, B, C [~~or~~], D or
34 E felonies, or a class A misdemeanor involving harm to an identifiable
35 person or to identifiable property if the person has been convicted of
36 any felony or class A misdemeanor within the previous three years or any
37 other misdemeanor within the previous two years, or violations of
38 section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal
39 law, may in such cases issue and serve upon a person an appearance tick-
40 et when he has reasonable cause to believe that such person has commit-
41 ted a crime, or has committed a petty offense in his presence.

42 § 2. This act shall take effect on the sixtieth day after it shall
43 have become a law.