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:

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

(a) Whenever a police officer is authorized pursuant to section 140.10 of this title to arrest a person without a warrant for an offense other than a class A, B, C [~~or~~], D **or E** felony**, or 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,** or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, he shall, except as set out in paragraph (b) of this subdivision, subject to the provisions of subdivisions three and four of section 150.40 of this [~~title~~] **article**, instead issue to and serve upon such person an appearance ticket.

2. (a) Whenever a police officer has arrested a person without a warrant for an offense other than a class A, B, C [~~or~~], D **or E** felony**, 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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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, or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to section 140.10 of this title, or (b) whenever a peace officer, who is not authorized by law to issue an appearance ticket, has arrested a person for an offense other than a class A, B, C [~~or~~], D or E felony, or 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, or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to section 140.25 of this title, and has requested a police officer to issue and serve upon such arrested person an appearance ticket pursuant to subdivision four of section 140.27, or (c) whenever a person has been arrested for an offense other than a class A, B, C [~~or~~], D or E felony , or 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, or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law and has been delivered to the custody of an appropriate police officer pursuant to section 140.40 of this title, such police officer may, instead of bringing such person before a local criminal court and promptly filing or causing the arresting peace officer or arresting person to file a local criminal court accusatory instrument therewith, issue to and serve upon such person an appearance ticket. [~~The issuance and service of an appearance ticket under such circumstances may be conditioned upon a deposit of pre-arraignment bail, as provided in section 150.30.~~]

3. A public servant other than a police officer, who is specially authorized by state law or local law enacted pursuant to the provisions of the municipal home rule law to issue and serve appearance tickets with respect to designated offenses other than class A, B, C [~~or~~], D or E felonies, or 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, or violations of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, may in such cases issue and serve upon a person an appearance ticket when he has reasonable cause to believe that such person has committed a crime, or has committed a petty offense in his presence.

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