

STATE OF NEW YORK

4197

2023-2024 Regular Sessions

IN ASSEMBLY

February 13, 2023

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

AN ACT to amend the criminal procedure law, in relation to the application of bail in certain prostitution cases and labor trafficking cases

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

1 Section 1. Paragraphs (t) and (u) of subdivision 4 of section 510.10
2 of the criminal procedure law, paragraph (t) as amended and paragraph
3 (u) as added by section 2 of subpart B of part UU of chapter 56 of the
4 laws of 2022, are amended and two new paragraphs (v) and (w) are added
5 to read as follows:
6 (t) any felony or class A misdemeanor involving harm to an identifi-
7 able person or property, or any charge of criminal possession of a
8 firearm as defined in section 265.01-b of the penal law, where such
9 charge arose from conduct occurring while the defendant was released on
10 his or her own recognizance, released under conditions, or had yet to be
11 arraigned after the issuance of a desk appearance ticket for a separate
12 felony or class A misdemeanor involving harm to an identifiable person
13 or property, or any charge of criminal possession of a firearm as
14 defined in section 265.01-b of the penal law, provided, however, that
15 the prosecutor must show reasonable cause to believe that the defendant
16 committed the instant crime and any underlying crime. For the purposes
17 of this subparagraph, any of the underlying crimes need not be a quali-
18 fying offense as defined in this subdivision. For the purposes of this
19 paragraph, "harm to an identifiable person or property" shall include
20 but not be limited to theft of or damage to property. However, based
21 upon a review of the facts alleged in the accusatory instrument, if the
22 court determines that such theft is negligible and does not appear to be
23 in furtherance of other criminal activity, the principal shall be
24 released on his or her own recognizance or under appropriate non-mone-
25 tary conditions; [~~ex~~]

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

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1 (u) criminal possession of a weapon in the third degree as defined in
2 subdivision three of section 265.02 of the penal law or criminal sale of
3 a firearm to a minor as defined in section 265.16 of the penal law[-];

4 (v) a crime involving promoting prostitution under section 230.25,
5 230.30 or 230.32 of the penal law or compelling prostitution as defined
6 in section 230.33 of the penal law; or

7 (w) labor trafficking as defined in section 135.35 of the penal law or
8 aggravated labor trafficking as defined in section 135.37 of the penal
9 law.

10 § 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
11 section 530.20 of the criminal procedure law, subparagraph (xx) as
12 amended and subparagraph (xxi) as added by section 4 of subpart C of
13 part UU of chapter 56 of the laws of 2022, are amended and two new
14 subparagraphs (xxii) and (xxiii) are added to read as follows:

15 (xx) any felony or class A misdemeanor involving harm to an identifi-
16 able person or property, or any charge of criminal possession of a
17 firearm as defined in section 265.01-b of the penal law where such
18 charge arose from conduct occurring while the defendant was released on
19 his or her own recognizance, released under conditions, or had yet to be
20 arraigned after the issuance of a desk appearance ticket for a separate
21 felony or class A misdemeanor involving harm to an identifiable person
22 or property, provided, however, that the prosecutor must show reasonable
23 cause to believe that the defendant committed the instant crime and any
24 underlying crime. For the purposes of this subparagraph, any of the
25 underlying crimes need not be a qualifying offense as defined in this
26 subdivision. For the purposes of this paragraph, "harm to an identifi-
27 able person or property" shall include but not be limited to theft of or
28 damage to property. However, based upon a review of the facts alleged in
29 the accusatory instrument, if the court determines that such theft is
30 negligible and does not appear to be in furtherance of other criminal
31 activity, the principal shall be released on his or her own recognizance
32 or under appropriate non-monetary conditions; [e~~x~~]

33 (xxi) criminal possession of a weapon in the third degree as defined
34 in subdivision three of section 265.02 of the penal law or criminal sale
35 of a firearm to a minor as defined in section 265.16 of the penal
36 law[-];

37 (xxii) a crime involving promoting prostitution under section 230.25,
38 230.30 or 230.32 of the penal law or compelling prostitution as defined
39 in section 230.33 of the penal law; or

40 (xxiii) labor trafficking as defined in section 135.35 of the penal
41 law or aggravated labor trafficking as defined in section 135.37 of the
42 penal law.

43 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
44 criminal procedure law, paragraph (t) as amended and paragraph (u) as
45 added by section 4 of subpart B of part UU of chapter 56 of the laws of
46 2022, are amended and two new paragraphs (v) and (w) are added to read
47 as follows:

48 (t) any felony or class A misdemeanor involving harm to an identifi-
49 able person or property, or any charge of criminal possession of a
50 firearm as defined in section 265.01-b of the penal law, where such
51 charge arose from conduct occurring while the defendant was released on
52 his or her own recognizance, released under conditions, or had yet to be
53 arraigned after the issuance of a desk appearance ticket for a separate
54 felony or class A misdemeanor involving harm to an identifiable person
55 or property, or any charge of criminal possession of a firearm as
56 defined in section 265.01-b of the penal law, provided, however, that

1 the prosecutor must show reasonable cause to believe that the defendant
2 committed the instant crime and any underlying crime. For the purposes
3 of this subparagraph, any of the underlying crimes need not be a quali-
4 fying offense as defined in this subdivision. For the purposes of this
5 paragraph, "harm to an identifiable person or property" shall include
6 but not be limited to theft of or damage to property. However, based
7 upon a review of the facts alleged in the accusatory instrument, if the
8 court determines that such theft is negligible and does not appear to be
9 in furtherance of other criminal activity, the principal shall be
10 released on his or her own recognizance or under appropriate non-mone-
11 tary conditions; [~~ex~~]

12 (u) criminal possession of a weapon in the third degree as defined in
13 subdivision three of section 265.02 of the penal law or criminal sale of
14 a firearm to a minor as defined in section 265.16 of the penal law[~~-~~];

15 (v) a crime involving promoting prostitution under section 230.25,
16 230.30 or 230.32 of the penal law or compelling prostitution as defined
17 in section 230.33 of the penal law; or

18 (w) labor trafficking as defined in section 135.35 of the penal law or
19 aggravated labor trafficking as defined in section 135.37 of the penal
20 law.

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