

STATE OF NEW YORK

7027

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

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

AN ACT to amend the criminal procedure law, in relation to including an E felony 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 ~~[or]~~, D or E felony or a violation of section
9 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, he
10 shall, except as set out in paragraph (b) of this subdivision, subject
11 to the provisions of subdivisions three and four of section 150.40 of
12 this ~~[title]~~ article, instead issue to and serve upon such person an
13 appearance ticket.

14 2. (a) Whenever a police officer has arrested a person without a
15 warrant for an offense other than a class A, B, C ~~[or]~~, D or E felony or
16 a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56
17 of the penal law pursuant to section 140.10 of this title, or (b) when-
18 ever a peace officer, who is not authorized by law to issue an appear-
19 ance ticket, has arrested a person for an offense other than a class A,
20 B, C ~~[or]~~, D or E felony or a violation of section 130.25, 130.40,
21 205.10, 205.17, 205.19 or 215.56 of the penal law pursuant to section
22 140.25 of this title, and has requested a police officer to issue and
23 serve upon such arrested person an appearance ticket pursuant to subdi-

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

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1 vision four of section 140.27, or (c) whenever a person has been
2 arrested for an offense other than a class A, B, C ~~[or]~~, D or E felony
3 or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19 or
4 215.56 of the penal law and has been delivered to the custody of an
5 appropriate police officer pursuant to section 140.40 of this title,
6 such police officer may, instead of bringing such person before a local
7 criminal court and promptly filing or causing the arresting peace offi-
8 cer or arresting person to file a local criminal court accusatory
9 instrument therewith, issue to and serve upon such person an appearance
10 ticket. ~~[The issuance and service of an appearance ticket under such~~
11 ~~circumstances may be conditioned upon a deposit of pre-arraignment bail,~~
12 ~~as provided in section 150.30.]~~

13 3. A public servant other than a police officer, who is specially
14 authorized by state law or local law enacted pursuant to the provisions
15 of the municipal home rule law to issue and serve appearance tickets
16 with respect to designated offenses other than class A, B, C ~~[or]~~, D or
17 E felonies or violations of section 130.25, 130.40, 205.10, 205.17,
18 205.19 or 215.56 of the penal law, may in such cases issue and serve
19 upon a person an appearance ticket when he has reasonable cause to
20 believe that such person has committed a crime, or has committed a petty
21 offense in his presence.

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