

# STATE OF NEW YORK

8855

## IN ASSEMBLY

January 18, 2024

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

AN ACT to amend the criminal procedure law, in relation to criminal possession of stolen property

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~~]

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

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

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(v) criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined in section 165.52 of the penal law, or criminal possession of stolen property in the first degree as defined in section 165.54 of the penal law; or

(w) grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, or grand larceny in the second degree as defined in section 155.40 of the penal law.

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

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

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

(xxii) criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined in section 165.52 of the penal law, or criminal possession of stolen property in the first degree as defined in section 165.54 of the penal law; or

(xxiii) grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, or grand larceny in the second degree as defined in section 155.40 of the penal law.

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

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a

1 firearm as defined in section 265.01-b of the penal law, where such  
2 charge arose from conduct occurring while the defendant was released on  
3 his or her own recognizance, released under conditions, or had yet to be  
4 arraigned after the issuance of a desk appearance ticket for a separate  
5 felony or class A misdemeanor involving harm to an identifiable person  
6 or property, or any charge of criminal possession of a firearm as  
7 defined in section 265.01-b of the penal law, provided, however, that  
8 the prosecutor must show reasonable cause to believe that the defendant  
9 committed the instant crime and any underlying crime. For the purposes  
10 of this subparagraph, any of the underlying crimes need not be a quali-  
11 fying offense as defined in this subdivision. For the purposes of this  
12 paragraph, "harm to an identifiable person or property" shall include  
13 but not be limited to theft of or damage to property. However, based  
14 upon a review of the facts alleged in the accusatory instrument, if the  
15 court determines that such theft is negligible and does not appear to be  
16 in furtherance of other criminal activity, the principal shall be  
17 released on his or her own recognizance or under appropriate non-mone-  
18 tary conditions; [e]

19 (u) criminal possession of a weapon in the third degree as defined in  
20 subdivision three of section 265.02 of the penal law or criminal sale of  
21 a firearm to a minor as defined in section 265.16 of the penal law[+];

22 (v) criminal possession of stolen property in the fourth degree as  
23 defined in section 165.45 of the penal law, criminal possession of  
24 stolen property in the third degree as defined in section 165.50 of the  
25 penal law, criminal possession of stolen property in the second degree  
26 as defined in section 165.52 of the penal law, or criminal possession of  
27 stolen property in the first degree as defined in section 165.54 of the  
28 penal law; or

29 (w) grand larceny in the fourth degree as defined in section 155.30 of  
30 the penal law, grand larceny in the third degree as defined in section  
31 155.35 of the penal law, or grand larceny in the second degree as  
32 defined in section 155.40 of the penal law.

33 § 4. This act shall take effect on the ninetieth day after it shall  
34 have become a law.