

# STATE OF NEW YORK

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7715--A

2023-2024 Regular Sessions

## IN SENATE

October 18, 2023

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Introduced by Sens. COONEY, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 released on his or her own recognizance or under appropriate non-mone-  
2 tary conditions; [~~ex~~]

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

6 (v) criminal possession of stolen property in the fourth degree as  
7 defined in section 165.45 of the penal law, criminal possession of  
8 stolen property in the third degree as defined in section 165.50 of the  
9 penal law, criminal possession of stolen property in the second degree  
10 as defined in section 165.52 of the penal law, or criminal possession of  
11 stolen property in the first degree as defined in section 165.54 of the  
12 penal law; or

13 (w) grand larceny in the fourth degree as defined in section 155.30 of  
14 the penal law, grand larceny in the third degree as defined in section  
15 155.35 of the penal law, or grand larceny in the second degree as  
16 defined in section 155.40 of the penal law.

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

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

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

44 (xxii) criminal possession of stolen property in the fourth degree as  
45 defined in section 165.45 of the penal law, criminal possession of  
46 stolen property in the third degree as defined in section 165.50 of the  
47 penal law, criminal possession of stolen property in the second degree  
48 as defined in section 165.52 of the penal law, or criminal possession of  
49 stolen property in the first degree as defined in section 165.54 of the  
50 penal law; or

51 (xxiii) grand larceny in the fourth degree as defined in section  
52 155.30 of the penal law, grand larceny in the third degree as defined in  
53 section 155.35 of the penal law, or grand larceny in the second degree  
54 as defined in section 155.40 of the penal law.

55 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
56 criminal procedure law, paragraph (t) as amended and paragraph (u) as

1 added by section 4 of subpart B of part UU of chapter 56 of the laws of  
2 2022, are amended and two new paragraphs (v) and (w) are added to read  
3 as follows:

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

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

27 (v) criminal possession of stolen property in the fourth degree as  
28 defined in section 165.45 of the penal law, criminal possession of  
29 stolen property in the third degree as defined in section 165.50 of the  
30 penal law, criminal possession of stolen property in the second degree  
31 as defined in section 165.52 of the penal law, or criminal possession of  
32 stolen property in the first degree as defined in section 165.54 of the  
33 penal law; or

34 (w) grand larceny in the fourth degree as defined in section 155.30 of  
35 the penal law, grand larceny in the third degree as defined in section  
36 155.35 of the penal law, or grand larceny in the second degree as  
37 defined in section 155.40 of the penal law.

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