

STATE OF NEW YORK

8748

IN SENATE

March 7, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing bail for principals charged with concealment of a human corpse

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 a new paragraph (v) is added to read as
5 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]~~ such defendant's own recognizance, released under condi-
11 tions, or had yet to be arraigned after the issuance of a desk appear-
12 ance ticket for a separate felony or class A misdemeanor involving harm
13 to an identifiable person or property, or any charge of criminal
14 possession of a firearm as defined in section 265.01-b of the penal law,
15 provided, however, that the prosecutor must show reasonable cause to
16 believe that the defendant committed the instant crime and any underly-
17 ing crime. For the purposes of this subparagraph, any of the underlying
18 crimes need not be a qualifying offense as defined in this subdivision.
19 For the purposes of this paragraph, "harm to an identifiable person or
20 property" shall include but not be limited to theft of or damage to
21 property. However, based upon a review of the facts alleged in the accu-
22 satory instrument, if the court determines that such theft is negligible
23 and does not appear to be in furtherance of other criminal activity, the
24 principal shall be released on ~~[his or her]~~ such principal's own recog-
25 nizance or under appropriate non-monetary conditions; ~~[or]~~

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

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

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1 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];
2 or
3 (v) the concealment of a human corpse pursuant to section 195.02 of
4 the penal law.

5 § 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
6 section 530.20 of the criminal procedure law, subparagraph (xx) as
7 amended and subparagraph (xxi) as added by section 4 of subpart C of
8 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-
9 agraph (xxii) is added to read as follows:

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

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

33 (xxii) the concealment of a human corpse pursuant to section 195.02
34 of the penal law.

35 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
36 criminal procedure law, paragraph (t) as amended and paragraph (u) as
37 added by section 4 of subpart B of part UU of chapter 56 of the laws of
38 2022, are amended and a new paragraph (v) is added to read as follows:

39 (t) any felony or class A misdemeanor involving harm to an identifi-
40 able person or property, or any charge of criminal possession of a
41 firearm as defined in section 265.01-b of the penal law, where such
42 charge arose from conduct occurring while the defendant was released on
43 [~~his or her~~] such defendant's own recognizance, released under condi-
44 tions, or had yet to be arraigned after the issuance of a desk appear-
45 ance ticket for a separate felony or class A misdemeanor involving harm
46 to an identifiable person or property, or any charge of criminal
47 possession of a firearm as defined in section 265.01-b of the penal law,
48 provided, however, that the prosecutor must show reasonable cause to
49 believe that the defendant committed the instant crime and any underly-
50 ing crime. For the purposes of this subparagraph, any of the underlying
51 crimes need not be a qualifying offense as defined in this subdivision.
52 For the purposes of this paragraph, "harm to an identifiable person or
53 property" shall include but not be limited to theft of or damage to
54 property. However, based upon a review of the facts alleged in the accu-
55 satory instrument, if the court determines that such theft is negligible
56 and does not appear to be in furtherance of other criminal activity, the

1 principal shall be released on [~~his or her~~] such principal's own recog-
2 nizance or under appropriate non-monetary conditions; [~~or~~]
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 or
7 (v) the concealment of a human corpse pursuant to section 195.02 of
8 the penal law.
9 § 4. This act shall take effect immediately.