

STATE OF NEW YORK

4151

2025-2026 Regular Sessions

IN ASSEMBLY

January 31, 2025

Introduced by M. of A. GRAY -- Multi-Sponsored by -- M. of A. K. BROWN, LEMONDES, McDONOUGH, PALMESANO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to mandatory pre-trial detention of a principal charged with criminal possession of a controlled substance with intent to sell

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

Section 1. The criminal procedure law is amended by adding a new section 510.25 to read as follows:

§ 510.25 Mandatory pre-trial detention.

1. Except as otherwise provided by subdivision two of this section, pre-trial detention of a principal shall be mandatory when the principal stands charged with criminal possession of a controlled substance in the third degree as defined in section 220.16 of the penal law, criminal possession of a controlled substance in the fourth degree as defined in section 220.09 of the penal law, or criminal possession of a controlled substance in the fifth degree as defined in section 220.06 of the penal law.

2. (a) The court, unless otherwise prohibited by law, may in its discretion release a principal who stands charged with criminal possession of a controlled substance in the third degree as defined in section 220.16 of the penal law, criminal possession of a controlled substance in the fourth degree as defined in section 220.09 of the penal law, or criminal possession of a controlled substance in the fifth degree as defined in section 220.06 of the penal law, pending trial on the principal's own recognizance or under non-monetary conditions, fix bail, or order non-monetary conditions in conjunction with fixing bail, if the defense can demonstrate, through clear and convincing evidence, that the principal does not pose a substantial risk to public safety or is not a flight risk.

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

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1 (b) The court shall not grant pre-trial release pursuant to paragraph
2 (a) of this subdivision based solely on the absence of previous
3 convictions, familial or community ties, or any other factors that do
4 not directly address the nature of the offense or potential risk that
5 the principal poses to public safety.

6 (c) The court shall impose strict conditions for pre-trial release
7 granted pursuant to paragraph (a) of this subdivision, including but not
8 limited to electronic monitoring, regular check-ins, or restriction of
9 travel.

10 3. Any violation of this section shall result in appropriate legal
11 sanctions, including but not limited to contempt of court and sanctions
12 for non-compliance.

13 § 2. This act shall take effect immediately.