

# STATE OF NEW YORK

5110

2025-2026 Regular Sessions

## IN ASSEMBLY

February 12, 2025

Introduced by M. of A. STERN, BUTTENSCHON, COLTON, FALL, JACOBSON, JONES, PHEFFER AMATO, WILLIAMS, RA, K. BROWN, E. BROWN, BLUMENCRAZ, DeSTEFANO, DURSO, GANDOLFO, JENSEN, McDONOUGH, SLATER, GRAY, CHANG -- Multi-Sponsored by -- M. of A. SHIMSKY -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing bail for certain felony offenses involving the manufacture, sale, distribution, or possession with intent to sell synthetic opioids

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

1 Section 1. Paragraph (d) of subdivision 4 of section 510.10 of the  
2 criminal procedure law, as amended by section 2 of part UU of chapter 56  
3 of the laws of 2020, is amended to read as follows:

4 (d) a class A felony defined in the penal law~~[, provided that for~~  
5 ~~class A felonies under article two hundred twenty of the penal law, only~~  
6 ~~class A-I felonies shall be a qualifying offense]~~;

7 § 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the  
8 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
9 added by section 2 of subpart B of part UU of chapter 56 of the laws of  
10 2022, are amended and a new paragraph (v) is added to read as follows:

11 (t) any felony or class A misdemeanor involving harm to an identifi-  
12 able person or property, or any charge of criminal possession of a  
13 firearm as defined in section 265.01-b of the penal law, where such  
14 charge arose from conduct occurring while the defendant was released on  
15 [~~his or her~~] their own recognizance, released under conditions, or had  
16 yet to be arraigned after the issuance of a desk appearance ticket for a  
17 separate felony or class A misdemeanor involving harm to an identifiable  
18 person or property, or any charge of criminal possession of a firearm as  
19 defined in section 265.01-b of the penal law, provided, however, that  
20 the prosecutor must show reasonable cause to believe that the defendant  
21 committed the instant crime and any underlying crime. For the purposes

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

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1 of this subparagraph, any of the underlying crimes need not be a quali-  
2 fying offense as defined in this subdivision. For the purposes of this  
3 paragraph, "harm to an identifiable person or property" shall include  
4 but not be limited to theft of or damage to property. However, based  
5 upon a review of the facts alleged in the accusatory instrument, if the  
6 court determines that such theft is negligible and does not appear to be  
7 in furtherance of other criminal activity, the principal shall be  
8 released on ~~[his or her]~~ their own recognizance or under appropriate  
9 non-monetary conditions; ~~[or]~~

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

14 (v) any felony offense defined in article two hundred twenty of the  
15 penal law, where such offense involves the manufacture, sale, distrib-  
16 ution, or possession with intent to sell synthetic opioids, including  
17 but not limited to fentanyl, fentanyl analogues, nitazene, and nitazene  
18 analogues.

19 § 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of  
20 section 530.20 of the criminal procedure law, subparagraph (xx) as  
21 amended and subparagraph (xxi) as added by section 4 of subpart C of  
22 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-  
23 agraph (xxii) is added to read as follows:

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

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

47 (xxii) any felony offense defined in article two hundred twenty of the  
48 penal law, where such offense involves the manufacture, sale, distrib-  
49 ution, or possession with intent to sell synthetic opioids, including  
50 but not limited to fentanyl, fentanyl analogues, nitazene, and nitazene  
51 analogues.

52 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
53 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
54 added by section 4 of subpart B of part UU of chapter 56 of the laws of  
55 2022, are amended and a new paragraph (v) is added to read as follows:

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

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

25 (v) any felony offense defined in article two hundred twenty of the  
26 penal law, where such offense involves the manufacture, sale, distrib-  
27 ution, or possession with intent to sell synthetic opioids, including  
28 but not limited to fentanyl, fentanyl analogues, nitazene, and nitazene  
29 analogues.

30 § 5. This act shall take effect immediately.