

# STATE OF NEW YORK

5616

2025-2026 Regular Sessions

## IN ASSEMBLY

February 18, 2025

Introduced by M. of A. STIRPE, BERGER, WOERNER, McMAHON -- 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~~ **their** own recognizance, released under conditions, or had  
11 yet to be arraigned after the issuance of a desk appearance ticket for a  
12 separate felony or class A misdemeanor involving harm to an identifiable  
13 person 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~~ **their** own recognizance or under appropriate  
25 non-monetary conditions; [~~or~~]

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

LBD03250-01-5

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

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

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

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

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

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

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

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

54 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
55 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
56 added by section 4 of subpart B of part UU of chapter 56 of the laws of

1 2022, are amended and two new paragraphs (v) and (w) are added to read  
2 as follows:

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

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

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

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

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