

STATE OF NEW YORK

6957

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. MOLITOR -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to providing judges with more discretion to impose bail on principals charged with a felony, principals charged with a misdemeanor when awaiting trial for another crime, principals who are a threat to the safety and security of the community, principals charged with a felony serving a sentence of probation or while released to post-release supervision, and requiring principals who have been charged with an offense related to three separate alleged instances of criminal activity are committed to the custody of the sheriff; and to repeal certain provisions of the criminal procedure law in relation thereto

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

1 Section 1. Subdivision 4 of section 510.10 of the criminal procedure
2 law, as amended by section 2 of part UU of chapter 56 of the laws of
3 2020, the opening paragraph as amended by section 2 of subpart A of part
4 VV of chapter 56 of the laws of 2023, and paragraphs (s) and (t) as
5 amended and paragraph (u) as added by section 2 of subpart B of part UU
6 of chapter 56 of the laws of 2022, is amended to read as follows:

7 4. Where the principal stands charged with a qualifying offense, the
8 court, unless otherwise prohibited by law, may in its discretion release
9 the principal pending trial on the principal's own recognizance or under
10 non-monetary conditions, fix bail, or order non-monetary conditions in
11 conjunction with fixing bail, or, where the defendant is charged with a
12 qualifying offense [~~which is a felony~~], the court may commit the principal
13 to the custody of the sheriff. A principal stands charged with a
14 qualifying offense for the purposes of this subdivision when [~~he or she~~
15 such principal] stands charged with:

16 (a) a felony [~~enumerated in section 70.02 of the penal law, other than~~
17 ~~robbery in the second degree as defined in subdivision one of section~~

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

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~~160.10 of the penal law, provided, however, that burglary in the second degree as defined in subdivision two of section 140.25 of the penal law shall be a qualifying offense only where the defendant is charged with entering the living area of the dwelling];~~

~~(b) [a crime involving witness intimidation under section 215.15 of the penal law;~~

~~(c) a crime involving witness tampering under section 215.11, 215.12 or 215.13 of the penal law;~~

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

~~(e) a sex trafficking offense defined in section 230.34 or 230.34-a of the penal law, or a felony sex offense defined in section 70.80 of the penal law, or a crime involving incest as defined in section 255.25, 255.26 or 255.27 of such law, or] a misdemeanor defined in article one hundred thirty of [such] the penal law;~~

~~[(f) conspiracy in the second degree as defined in section 105.15 of the penal law, where the underlying allegation of such charge is that the defendant conspired to commit a class A felony defined in article one hundred twenty-five of the penal law;~~

~~(g) money laundering in support of terrorism in the first degree as defined in section 470.24 of the penal law; money laundering in support of terrorism in the second degree as defined in section 470.23 of the penal law; money laundering in support of terrorism in the third degree as defined in section 470.22 of the penal law; money laundering in support of terrorism in the fourth degree as defined in section 470.21 of the penal law; or a felony crime of terrorism as defined in article four hundred ninety of the penal law, other than the crime defined in section 490.20 of such law;~~

~~(h) criminal contempt in the second degree as defined in subdivision three of section 215.50 of the penal law, criminal contempt in the first degree as defined in subdivision (b), (c) or (d) of section 215.51 of the penal law or aggravated criminal contempt as defined in section 215.52 of the penal law, and the underlying allegation of such charge of criminal contempt in the second degree, criminal contempt in the first degree or aggravated criminal contempt is that the defendant violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this title;~~

~~(i) facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law or luring a child as defined in subdivision one of section 120.70 of the penal law, promoting an obscene sexual performance by a child as defined in section 263.10 of the penal law or promoting a sexual performance by a child as defined in section 263.15 of the penal law;~~

~~(j)] (c) any crime that is alleged to have caused the death of another person;~~

~~[(k)] (d) assault in the third degree as defined in section 120.00 of the penal law, menacing in the second degree as defined in section 120.14 of the penal law, menacing in the third degree as defined in section 120.15 of the penal law, reckless endangerment in the second degree as defined in section 120.20 of the penal law, stalking in the fourth degree as defined in section 120.45 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law, criminal obstruction of breathing or blood circulation as defined in section~~

1 121.11 of the penal law, [~~strangulation in the second degree as defined~~
2 ~~in section 121.12 of the penal law or unlawful imprisonment in the first~~
3 ~~degree as defined in section 135.10 of the penal law,~~] unlawful impri-
4 sonment in the second degree as defined in section 135.05 of the penal
5 law, coercion in the third degree as defined in section 135.60 of the
6 penal law, criminal mischief in the fourth degree as defined in section
7 145.00 of the penal law, harassment in the first degree as defined in
8 section 240.25 of the penal law, or aggravated harassment in the second
9 degree as defined in subdivision one, two or four of section 240.30 of
10 the penal law and is alleged to have committed the offense against a
11 member of the defendant's same family or household as defined in subdivi-
12 sion one of section 530.11 of this title;

13 [~~(l) aggravated vehicular assault as defined in section 120.04 a of~~
14 ~~the penal law or vehicular assault in the first degree as defined in~~
15 ~~section 120.04 of the penal law,~~

16 ~~(m) assault in the third degree as defined in section 120.00 of the~~
17 ~~penal law or arson in the third degree as defined in section 150.10 of~~
18 ~~the penal law,~~] (e) any crime defined in the penal law when such crime
19 is charged as a hate crime as defined in section 485.05 of the penal
20 law;

21 [~~(n) aggravated assault upon a person less than eleven years old as~~
22 ~~defined in section 120.12 of the penal law or criminal possession of a~~
23 ~~weapon on school grounds as defined in section 265.01 a of the penal~~
24 ~~law,~~

25 ~~(o) grand larceny in the first degree as defined in section 155.42 of~~
26 ~~the penal law, enterprise corruption as defined in section 460.20 of the~~
27 ~~penal law, or money laundering in the first degree as defined in section~~
28 ~~470.20 of the penal law,~~

29 ~~(p) failure to register as a sex offender pursuant to section one~~
30 ~~hundred sixty-eight t of the correction law or]~~ (f) endangering the
31 welfare of a child as defined in subdivision one of section 260.10 of
32 the penal law, where the defendant is required to maintain registration
33 under article six-C of the correction law and designated a level three
34 offender pursuant to subdivision six of section one hundred
35 sixty-eight-1 of the correction law;

36 [~~(q) a crime involving bail jumping under section 215.55, 215.56 or~~
37 ~~215.57 of the penal law, or]~~ (g) a crime involving escaping from custody
38 under section 205.05[~~, 205.10 or 205.15~~] of the penal law;

39 [~~(r)]~~ (h) any crime defined in article two hundred fifteen of the
40 penal law;

41 (i) any [~~felony offense~~] crime defined in the penal law committed by
42 the principal while serving a sentence of probation or while released to
43 post release supervision;

44 [~~(s) a felony, where the defendant qualifies for sentencing on such~~
45 ~~charge as a persistent felony offender pursuant to section 70.10 of the~~
46 ~~penal law,~~

47 ~~(t) any felony or class A misdemeanor involving harm to an identifi-~~
48 ~~able person or property, or any charge of criminal possession of a~~
49 ~~firearm as defined in section 265.01-b of the penal law, where such~~
50 ~~charge arose from conduct occurring while the defendant was released on~~
51 ~~his or her own recognizance, released under conditions, or had yet to be~~
52 ~~arraigned after the issuance of a desk appearance ticket for a separate~~
53 ~~felony or class A misdemeanor involving harm to an identifiable person~~
54 ~~or property, or any charge of criminal possession of a firearm as~~
55 ~~defined in section 265.01-b of the penal law, provided, however, that~~
56 ~~the prosecutor must show reasonable cause to believe that the defendant~~

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

11 ~~[(u) criminal possession of a weapon in the third degree as defined in~~
12 ~~subdivision three of section 265.02 of the penal law or criminal sale of~~
13 ~~a firearm to a minor as defined in section 265.16 of the penal law] (j)~~
14 any misdemeanor defined in the penal law committed after the principal
15 has been released pending trial on the principal's own recognizance,
16 under non-monetary conditions, bail, or non-monetary conditions in
17 conjunction with fixing bail.

18 § 2. Paragraph (b) of subdivision 1 of section 530.20 of the criminal
19 procedure law, as amended by section 3 of part UU of chapter 56 of the
20 laws of 2020, the opening paragraph as amended by section 6 of subpart A
21 of part VV of chapter 56 of the laws of 2023, and paragraphs (xix) and
22 (xx) as amended and paragraph (xxi) as added by section 4 of subpart C
23 of part UU of chapter 56 of the laws of 2022, is amended to read as
24 follows:

25 (b) Where the principal stands charged with a qualifying offense, the
26 court, unless otherwise prohibited by law, may in its discretion release
27 the principal pending trial on the principal's own recognizance or under
28 non-monetary conditions, fix bail, order non-monetary conditions in
29 conjunction with fixing bail, or, where the defendant is charged with a
30 qualifying offense which is a felony, the court may commit the principal
31 to the custody of the sheriff. The court shall explain its choice of
32 securing order on the record or in writing. A principal stands charged
33 with a qualifying offense when [~~he or she~~] such principal stands charged
34 with:

35 (i) a felony [~~enumerated in section 70.02 of the penal law, other than~~
36 ~~robbery in the second degree as defined in subdivision one of section~~
37 ~~160.10 of the penal law, provided, however, that burglary in the second~~
38 ~~degree as defined in subdivision two of section 140.25 of the penal law~~
39 ~~shall be a qualifying offense only where the defendant is charged with~~
40 ~~entering the living area of the dwelling];~~

41 (ii) [~~a crime involving witness intimidation under section 215.15 of~~
42 ~~the penal law;~~

43 ~~(iii) a crime involving witness tampering under section 215.11, 215.12~~
44 ~~or 215.13 of the penal law;~~

45 ~~(iv) a class A felony defined in the penal law, provided, that for~~
46 ~~class A felonies under article two hundred twenty of such law, only~~
47 ~~class A-I felonies shall be a qualifying offense;~~

48 ~~(v) a sex trafficking offense defined in section 230.34 or 230.34-a of~~
49 ~~the penal law, or a felony sex offense defined in section 70.80 of the~~
50 ~~penal law or a crime involving incest as defined in section 255.25,~~
51 ~~255.26 or 255.27 of such law, or] a misdemeanor defined in article one~~
52 ~~hundred thirty of [such] the penal law;~~

53 ~~[(vi) conspiracy in the second degree as defined in section 105.15 of~~
54 ~~the penal law, where the underlying allegation of such charge is that~~
55 ~~the defendant conspired to commit a class A felony defined in article~~
56 ~~one hundred twenty five of the penal law;~~

~~(vii) money laundering in support of terrorism in the first degree as defined in section 470.24 of the penal law; money laundering in support of terrorism in the second degree as defined in section 470.23 of the penal law; money laundering in support of terrorism in the third degree as defined in section 470.22 of the penal law; money laundering in support of terrorism in the fourth degree as defined in section 470.21 of the penal law; or a felony crime of terrorism as defined in article four hundred ninety of the penal law, other than the crime defined in section 490.20 of such law;~~

~~(viii) criminal contempt in the second degree as defined in subdivision three of section 215.50 of the penal law, criminal contempt in the first degree as defined in subdivision (b), (c) or (d) of section 215.51 of the penal law or aggravated criminal contempt as defined in section 215.52 of the penal law, and the underlying allegation of such charge of criminal contempt in the second degree, criminal contempt in the first degree or aggravated criminal contempt is that the defendant violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article;~~

~~(ix) facilitating a sexual performance by a child with a controlled substance or alcohol as defined in section 263.30 of the penal law, use of a child in a sexual performance as defined in section 263.05 of the penal law or luring a child as defined in subdivision one of section 120.70 of the penal law, promoting an obscene sexual performance by a child as defined in section 263.10 of the penal law or promoting a sexual performance by a child as defined in section 263.15 of the penal law;~~

~~(*)] (iii) any crime that is alleged to have caused the death of another person;~~

[(xi)] (iv) assault in the third degree as defined in section 120.00 of the penal law, menacing in the second degree as defined in section 120.14 of the penal law, menacing in the third degree as defined in section 120.15 of the penal law, reckless endangerment in the second degree as defined in section 120.20 of the penal law, stalking in the fourth degree as defined in section 120.45 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law, criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, [strangulation in the second degree as defined in section 121.12 of the penal law or unlawful imprisonment in the first degree as defined in section 135.10 of the penal law,] unlawful imprisonment in the second degree as defined in section 135.05 of the penal law, coercion in the third degree as defined in section 135.60 of the penal law, criminal mischief in the fourth degree as defined in section 145.00 of the penal law, harassment in the first degree as defined in section 240.25 of the penal law, or aggravated harassment in the second degree as defined in subdivision one, two or four of section 240.30 of the penal law and is alleged to have committed the offense against a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article;

~~[(xii) aggravated vehicular assault as defined in section 120.04-a of the penal law or vehicular assault in the first degree as defined in section 120.04 of the penal law;~~

~~(xiii) assault in the third degree as defined in section 120.00 of the penal law or arson in the third degree as defined in section 150.10 of the penal law,] (v) any crime defined in the penal law when such crime is charged as a hate crime as defined in section 485.05 of the penal law;~~

1 ~~[(xiv) aggravated assault upon a person less than eleven years old as~~
2 ~~defined in section 120.12 of the penal law or criminal possession of a~~
3 ~~weapon on school grounds as defined in section 265.01-a of the penal~~
4 ~~law;~~

5 ~~(xv) grand larceny in the first degree as defined in section 155.42 of~~
6 ~~the penal law, enterprise corruption as defined in section 460.20 of the~~
7 ~~penal law, or money laundering in the first degree as defined in section~~
8 ~~470.20 of the penal law;~~

9 ~~(xvi) failure to register as a sex offender pursuant to section one~~
10 ~~hundred sixty-eight of the correction law or] (vi) endangering the~~
11 welfare of a child as defined in subdivision one of section 260.10 of
12 the penal law, where the defendant is required to maintain registration
13 under article six-C of the correction law and designated a level three
14 offender pursuant to subdivision six of section one hundred
15 sixty-eight-1 of the correction law;

16 ~~[(xvii) a crime involving bail jumping under section 215.55, 215.56 or~~
17 ~~215.57 of the penal law, or] (vii) a crime involving escaping from~~
18 custody under section 205.05[~~, 205.10 or 205.15~~] of the penal law;

19 ~~[(xviii)] (viii) any crime defined in article two hundred fifteen of~~
20 ~~the penal law;~~

21 ~~(ix) any [felony offense] crime defined in the penal law~~ committed by
22 the principal while serving a sentence of probation or while released to
23 post release supervision;

24 ~~[(xix) a felony, where the defendant qualifies for sentencing on such~~
25 ~~charge as a persistent felony offender pursuant to section 70.10 of the~~
26 ~~penal law;~~

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

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

48 ~~(x) any misdemeanor committed after the principal has been released~~
49 ~~pending trial on the principal's own recognizance, under non-monetary~~
50 ~~conditions, bail, or non-monetary conditions in conjunction with fixing~~
51 ~~bail.~~

52 § 3. Subdivision 4 of section 530.40 of the criminal procedure law, as
53 amended by section 4 of part UU of chapter 56 of the laws of 2020, the
54 opening paragraph as amended by section 8 of subpart A of part VV of
55 chapter 56 of the laws of 2023, and paragraphs (s) and (t) as amended

1 and paragraph (u) as added by section 4 of subpart B of part UU of chap-
2 ter 56 of the laws of 2022, is amended to read as follows:

3 4. Where the principal stands charged with a qualifying offense, the
4 court, unless otherwise prohibited by law, may in its discretion, and in
5 accordance with section 510.10 of this title, release the principal
6 pending trial on the principal's own recognizance or under non-monetary
7 conditions, fix bail, or order non-monetary conditions in conjunction
8 with fixing bail, or, where the defendant is charged with a qualifying
9 offense [~~which is a felony~~], the court may commit the principal to the
10 custody of the sheriff. The court shall explain the basis for its deter-
11 mination and its choice of securing order on the record or in writing. A
12 principal stands charged with a qualifying offense for the purposes of
13 this subdivision when [~~he or she~~] such principal stands charged with:

14 (a) a felony [~~enumerated in section 70.02 of the penal law, other than~~
15 ~~robbery in the second degree as defined in subdivision one of section~~
16 ~~160.10 of the penal law, provided, however, that burglary in the second~~
17 ~~degree as defined in subdivision two of section 140.25 of the penal law~~
18 ~~shall be a qualifying offense only where the defendant is charged with~~
19 ~~entering the living area of the dwelling~~];

20 (b) [~~a crime involving witness intimidation under section 215.15 of~~
21 ~~the penal law~~];

22 (~~e~~) a crime involving witness tampering under section 215.11, 215.12
23 or 215.13 of the penal law;

24 (~~d~~) a class A felony defined in the penal law, provided that for class
25 A felonies under article two hundred twenty of such law, only class A-I
26 felonies shall be a qualifying offense;

27 (~~e~~) a sex trafficking offense defined in section 230.34 or 230.34 a of
28 the penal law, or a felony sex offense defined in section 70.80 of the
29 penal law or a crime involving incest as defined in section 255.25,
30 255.26 or 255.27 of such law, or] a misdemeanor defined in article one
31 hundred thirty of [~~such~~] the penal law;

32 [~~(f)~~] conspiracy in the second degree as defined in section 105.15 of
33 the penal law, where the underlying allegation of such charge is that
34 the defendant conspired to commit a class A felony defined in article
35 one hundred twenty-five of the penal law;

36 (~~g~~) money laundering in support of terrorism in the first degree as
37 defined in section 470.24 of the penal law; money laundering in support
38 of terrorism in the second degree as defined in section 470.23 of the
39 penal law; money laundering in support of terrorism in the third degree
40 as defined in section 470.22 of the penal law; money laundering in
41 support of terrorism in the fourth degree as defined in section 470.21
42 of the penal law; or a felony crime of terrorism as defined in article
43 four hundred ninety of the penal law, other than the crime defined in
44 section 490.20 of such law;

45 (~~h~~) criminal contempt in the second degree as defined in subdivision
46 three of section 215.50 of the penal law, criminal contempt in the first
47 degree as defined in subdivision (b), (c) or (d) of section 215.51 of
48 the penal law or aggravated criminal contempt as defined in section
49 215.52 of the penal law, and the underlying allegation of such charge of
50 criminal contempt in the second degree, criminal contempt in the first
51 degree or aggravated criminal contempt is that the defendant violated a
52 duly served order of protection where the protected party is a member of
53 the defendant's same family or household as defined in subdivision one
54 of section 530.11 of this article;

55 (~~i~~) facilitating a sexual performance by a child with a controlled
56 substance or alcohol as defined in section 263.30 of the penal law, use

~~of a child in a sexual performance as defined in section 263.05 of the penal law or luring a child as defined in subdivision one of section 120.70 of the penal law, promoting an obscene sexual performance by a child as defined in section 263.10 of the penal law or promoting a sexual performance by a child as defined in section 263.15 of the penal law;~~

~~(j)]~~ (c) any crime that is alleged to have caused the death of another person;

~~(k)]~~ (d) assault in the third degree as defined in section 120.00 of the penal law, menacing in the second degree as defined in section 120.14 of the penal law, menacing in the third degree as defined in section 120.15 of the penal law, reckless endangerment in the second degree as defined in section 120.20 of the penal law, stalking in the fourth degree as defined in section 120.45 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law, criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, [strangulation in the second degree as defined in section 121.12 of the penal law or unlawful imprisonment in the first degree as defined in section 135.10 of the penal law,] unlawful imprisonment in the second degree as defined in section 135.05 of the penal law, coercion in the third degree as defined in section 135.60 of the penal law, criminal mischief in the fourth degree as defined in section 145.00 of the penal law, harassment in the first degree as defined in section 240.25 of the penal law, or aggravated harassment in the second degree as defined in subdivision one, two or four of section 240.30 of the penal law and is alleged to have committed the offense against a member of the defendant's same family or household as defined in subdivision one of section 530.11 of this article;

~~(l) aggravated vehicular assault as defined in section 120.04 a of the penal law or vehicular assault in the first degree as defined in section 120.04 of the penal law;~~

~~(m) assault in the third degree as defined in section 120.00 of the penal law or arson in the third degree as defined in section 150.10 of the penal law,]~~ (e) any crime defined in the penal law when such crime is charged as a hate crime as defined in section 485.05 of the penal law;

~~(n) aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law or criminal possession of a weapon on school grounds as defined in section 265.01 a of the penal law;~~

~~(o) grand larceny in the first degree as defined in section 155.42 of the penal law, enterprise corruption as defined in section 460.20 of the penal law, or money laundering in the first degree as defined in section 470.20 of the penal law;~~

~~(p) failure to register as a sex offender pursuant to section one hundred sixty-eight t of the correction law or]~~ (f) endangering the welfare of a child as defined in subdivision one of section 260.10 of the penal law, where the defendant is required to maintain registration under article six-C of the correction law and designated a level three offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law;

~~(q) a crime involving bail jumping under section 215.55, 215.56 or 215.57 of the penal law, or]~~ (g) a crime involving escaping from custody under section 205.05[, 205.10 or 205.15] of the penal law;

~~(r)]~~ (h) any crime defined in article two hundred fifteen of the penal law;

1 (i) any [~~felony offense~~] crime defined in the penal law committed by
2 the principal while serving a sentence of probation or while released to
3 post release supervision;

4 [~~(s) a felony, where the defendant qualifies for sentencing on such~~
5 ~~charge as a persistent felony offender pursuant to section 70.10 of the~~
6 ~~penal law;~~

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

27 [~~(u) criminal possession of a weapon in the third degree as defined in~~
28 ~~subdivision three of section 265.02 of the penal law or criminal sale of~~
29 ~~a firearm to a minor as defined in section 265.16 of the penal law]~~ (j)
30 any misdemeanor committed after the principal has been released pending
31 trial on the principal's own recognizance, under non-monetary condi-
32 tions, bail, or non-monetary conditions in conjunction with fixing bail.

33 § 4. The opening paragraph of subdivision 1 of section 510.10 of the
34 criminal procedure law, as amended by section 2 of subpart A of part VV
35 of chapter 56 of the laws of 2023, is amended to read as follows:

36 When a principal, whose future court attendance at a criminal action
37 or proceeding is or may be required, comes under the control of a court,
38 such court shall impose a securing order in accordance with this title.
39 Except as otherwise required by law, the court shall make an individual-
40 ized determination as to whether the principal poses a risk or threat of
41 physical danger to the safety and security of any person or the communi-
42 ty and make an individualized determination as to whether the principal
43 poses a risk of flight to avoid prosecution[7]. The court shall consider
44 the kind and degree of control or restriction necessary to reasonably
45 assure the principal's return to court and the safety and security of
46 any person or the community, and select a securing order consistent with
47 its determination under this subdivision. The court shall explain the
48 basis for its determination and its choice of securing order on the
49 record or in writing. In making a determination under this subdivision,
50 the court must consider and take into account available information
51 about the principal, including:

52 § 5. Paragraph (a) of subdivision 2 of section 530.20 of the criminal
53 procedure law, as amended by section 16 of part JJJ of chapter 59 of the
54 laws of 2019, is amended to read as follows:

55 (a) A city court, a town court or a village court may not order recog-
56 nizance or bail when (i) the defendant is charged with a class A felony,

1 [~~ex~~] (ii) the defendant has two previous felony convictions, (iii) the
2 defendant is serving a sentence of felony probation, (iv) participating
3 in interim probation on a felony charge, or (v) while released to post
4 release supervision;

5 § 6. Section 530.60 of the criminal procedure law is REPEALED and a
6 new section 530.60 is added to read as follows:

7 § 530.60 Certain modifications of a securing order.

8 1. Whenever in the course of a criminal action or proceeding a defend-
9 ant is at liberty as a result of an order of recognizance, release under
10 non-monetary conditions or bail issued pursuant to this chapter, and the
11 court considers it necessary to review such order, whether due to a
12 motion by the people or otherwise, the court may, by a bench warrant if
13 necessary, require the defendant to appear before the court. Upon such
14 appearance, the court, for good cause shown, may revoke the order of
15 recognizance, release under non-monetary conditions, or bail. If the
16 defendant is entitled to recognizance, release under non-monetary condi-
17 tions, or bail as a matter of right, the court must issue another such
18 order. If the defendant is not, the court may either issue such an order
19 or commit the defendant to the custody of the sheriff in accordance with
20 this section.

21 For the purposes of this subdivision, "good cause" shall mean: the
22 principal failed to appear; the principal has violated a court order; or
23 that the court is satisfied by a preponderance of the evidence that the
24 principal has been charged with any crime since the order of recogni-
25 zance, release under non-monetary conditions, or bail was entered.

26 Where the defendant is committed to the custody of the sheriff and is
27 held on a felony complaint, a new period as provided in section 180.80
28 of this chapter shall commence to run from the time of the defendant's
29 commitment under this subdivision unless the defendant previously waived
30 or conducted their preliminary hearing.

31 2. Notwithstanding the provisions of this section or any other law,
32 whenever in the course of a criminal action or proceeding a defendant
33 charged with the commission of an offense is at liberty as a result of a
34 securing order issued pursuant to this article or section 510.10 of this
35 title it shall be grounds for revoking such order and committing such
36 defendant to the custody of the sheriff when the court has found, by a
37 preponderance of the evidence, that the defendant stands charged in such
38 action or proceeding with an offense and, after being so charged,
39 committed a subsequent offense while at liberty and, after being so
40 charged on such subsequent offense, committed a further subsequent
41 offense.

42 § 7. This act shall take effect immediately.