

# STATE OF NEW YORK

7347

2025-2026 Regular Sessions

## IN ASSEMBLY

March 25, 2025

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

AN ACT to amend the penal law and the criminal procedure law, in relation to criminal trespass

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

1 Section 1. Section 140.10 of the penal law, as amended by chapter 192  
2 of the laws of 1987, subdivision (b) as amended by chapter 350 of the  
3 laws of 2001, subdivision (d) as amended and subdivision (e) as added by  
4 chapter 434 of the laws of 1992, subdivision (f) as amended by chapter  
5 338 of the laws of 1997 and subdivision (g) as amended by chapter 176 of  
6 the laws of 2011, is amended to read as follows:

7 § 140.10 Criminal trespass in the third degree.

8 A person is guilty of criminal trespass in the third degree when [~~he~~]  
9 such person knowingly enters or remains unlawfully in a building or upon  
10 real property:

11 (a) which is fenced or otherwise enclosed in a manner designed to  
12 exclude intruders; or

13 (b) where the building is utilized as an elementary or secondary  
14 school or a children's overnight camp as defined in section one thousand  
15 three hundred ninety-two of the public health law or a summer day camp  
16 as defined in section one thousand three hundred ninety-two of the  
17 public health law in violation of conspicuously posted rules or regu-  
18 lations governing entry and use thereof; or

19 (c) located within a city with a population in excess of one million  
20 and where the building or real property is utilized as an elementary or  
21 secondary school in violation of a personally communicated request to  
22 leave the premises from a principal, custodian or other person in charge  
23 thereof; or

24 (d) located outside of a city with a population in excess of one  
25 million and where the building or real property is utilized as an

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

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1 elementary or secondary school in violation of a personally communicated  
2 request to leave the premises from a principal, custodian, school board  
3 member or trustee, or other person in charge thereof; or

4 (e) where the building is used as a public housing project in  
5 violation of conspicuously posted rules or regulations governing entry  
6 and use thereof; or

7 (f) where a building is used as a public housing project in violation  
8 of a personally communicated request to leave the premises from a hous-  
9 ing police officer or other person in charge thereof; or

10 (g) where the property consists of a right-of-way or yard of a rail-  
11 road or rapid transit railroad which has been designated and conspicu-  
12 ously posted as a no-trespass railroad zone[-]; or

13 (h) in any portion of this state after entering the state at any  
14 location other than a lawful port of entry or border crossing.

15 Criminal trespass in the third degree is a class B misdemeanor.

16 § 2. The opening paragraph and paragraphs (t) and (u) of subdivision 4  
17 of section 510.10 of the criminal procedure law, the opening paragraph  
18 as added by section 2 of subpart A of part VV of chapter 56 of the laws  
19 of 2023 and paragraph (t) as amended and paragraph (u) as added by  
20 section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are  
21 amended and a new paragraph (v) is added to read as follows:

22 Where the principal stands charged with a qualifying offense, the  
23 court, unless otherwise prohibited by law, may in its discretion release  
24 the principal pending trial on the principal's own recognizance or under  
25 non-monetary conditions, fix bail, or order non-monetary conditions in  
26 conjunction with fixing bail, or, where the defendant is charged with a  
27 qualifying offense which is a felony or criminal trespass in the third  
28 degree as defined in subdivision (h) of section 140.10 of the penal law,  
29 the court may commit the principal to the custody of the sheriff. A  
30 principal stands charged with a qualifying offense for the purposes of  
31 this subdivision when [~~he or she~~] such principal stands charged with:

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

52 (u) criminal possession of a weapon in the third degree as defined in  
53 subdivision three of section 265.02 of the penal law or criminal sale of  
54 a firearm to a minor as defined in section 265.16 of the penal law[-];

55 or

1 (v) criminal trespass in the third degree as defined in subdivision  
2 (h) of section 140.10 of the penal law.

3 § 3. The opening paragraph and subparagraphs (xx) and (xxi) of para-  
4 graph (b) of subdivision 1 of section 530.20 of the criminal procedure  
5 law, the opening paragraph as amended by section 6 of subpart A of part  
6 VV of chapter 56 of the laws of 2023 and subparagraph (xx) as amended  
7 and subparagraph (xxi) as added by section 4 of subpart C of part UU of  
8 chapter 56 of the laws of 2022, are amended and a new subparagraph  
9 (xxii) is added to read as follows:

10 Where the principal stands charged with a qualifying offense, the  
11 court, unless otherwise prohibited by law, may in its discretion release  
12 the principal pending trial on the principal's own recognizance or under  
13 non-monetary conditions, fix bail, order non-monetary conditions in  
14 conjunction with fixing bail, or, where the defendant is charged with a  
15 qualifying offense which is a felony or criminal trespass in the third  
16 degree as defined in subdivision (h) of section 140.10 of the penal law,  
17 the court may commit the principal to the custody of the sheriff. The  
18 court shall explain its choice of securing order on the record or in  
19 writing. A principal stands charged with a qualifying offense when [~~he~~  
20 ~~or she~~] such principal stands charged with:

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

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

44 (xxii) criminal trespass in the third degree as defined in subdivision  
45 (h) of section 140.10 of the penal law.

46 § 4. The opening paragraph and paragraphs (t) and (u) of subdivision 4  
47 of section 530.40 of the criminal procedure law, the opening paragraph  
48 as amended by section 8 of subpart A of part VV of chapter 56 of the  
49 laws of 2023, paragraph (t) as amended and paragraph (u) as added by  
50 section 4 of subpart B of part UU of chapter 56 of the laws of 2022, are  
51 amended and a new paragraph (v) is added to read as follows:

52 Where the principal stands charged with a qualifying offense, the  
53 court, unless otherwise prohibited by law, may in its discretion, and in  
54 accordance with section 510.10 of this title, release the principal  
55 pending trial on the principal's own recognizance or under non-monetary  
56 conditions, fix bail, or order non-monetary conditions in conjunction

1 with fixing bail, or, where the defendant is charged with a qualifying  
2 offense which is a felony or criminal trespass in the third degree as  
3 defined in subdivision (h) of section 140.10 of the penal law, the court  
4 may commit the principal to the custody of the sheriff. The court shall  
5 explain the basis for its determination and its choice of securing order  
6 on the record or in writing. A principal stands charged with a qualify-  
7 ing offense for the purposes of this subdivision when [~~he or she~~] such  
8 principal stands charged with:

9 (t) any felony or class A misdemeanor involving harm to an identifi-  
10 able person or property, or any charge of criminal possession of a  
11 firearm as defined in section 265.01-b of the penal law, where such  
12 charge arose from conduct occurring while the defendant was released on  
13 [~~his or her~~] their own recognizance, released under conditions, or had  
14 yet to be arraigned after the issuance of a desk appearance ticket for a  
15 separate felony or class A misdemeanor involving harm to an identifiable  
16 person or property, or any charge of criminal possession of a firearm as  
17 defined in section 265.01-b of the penal law, provided, however, that  
18 the 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~~] their own recognizance or under appropriate  
28 non-monetary conditions; [~~or~~]

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

33 (v) criminal trespass in the third degree as defined in subdivision  
34 (h) of section 140.10 of the penal law.

35 § 5. This act shall take effect immediately.