

STATE OF NEW YORK

10104

IN SENATE

April 29, 2026

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to including certain offenses involving situations where a person physically harms another or engages in conduct that results in an unacceptable level of danger as qualifying offenses for the purpose of allowing a principal to be eligible to be held on bail; and to require the Office of Court Administration to establish an electronic tracking system maintaining a record of all bail decisions and to deliver a report to the legislature

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

1 Section 1. Paragraphs (a), (m), (t) and (u) of subdivision 4 of
2 section 510.10 of the criminal procedure law, paragraph (a) as amended
3 and paragraph (m) as added by section 2 of part UU of chapter 56 of the
4 laws of 2020, and paragraph (t) as amended and paragraph (u) as added by
5 section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are
6 amended and seven new paragraphs (v), (w), (x), (y), (z), (aa) and (bb)
7 are added to read as follows:

8 (a) a felony enumerated in section 70.02 of the penal law[~~, other than~~
9 ~~robbery in the second degree as defined in subdivision one of section~~
10 ~~160.10 of the penal law, provided, however, that burglary in the second~~
11 ~~degree as defined in subdivision two of section 140.25 of the penal law~~
12 ~~shall be a qualifying offense only where the defendant is charged with~~
13 ~~entering the living area of the dwelling];~~

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

18 (t) any felony or class A misdemeanor involving harm to an identifi-
19 able person or property, or any charge of criminal possession of a
20 firearm as defined in section 265.01-b of the penal law[~~, where such~~
21 ~~charge arose from conduct occurring while the defendant was released on~~
22 ~~his or her own recognizance, released under conditions, or had yet to be~~

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

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

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

19 (v) assault in the third degree as defined in section 120.00 of the
20 penal law; reckless assault of a child by a child day care provider as
21 defined in section 120.01 of the penal law; vehicular assault in the
22 second degree as defined in section 120.03 of the penal law; menacing in
23 the first degree as defined in section 120.13 of the penal law; menacing
24 in the second degree as defined in section 120.14 of the penal law;
25 menacing in the third degree as defined in section 120.15 of the penal
26 law; reckless endangerment in the second degree as defined in section
27 120.20 of the penal law; reckless endangerment in the first degree as
28 defined in section 120.25 of the penal law; stalking in the third degree
29 as defined in section 120.50 of the penal law; or stalking in the second
30 degree as defined in section 120.55 of the penal law;

31 (w) unlawful imprisonment in the second degree as defined in section
32 135.05 of the penal law;

33 (x) burglary in the third degree as defined in section 140.20 of the
34 penal law;

35 (y) arson in the fifth degree as defined in section 150.01; arson in
36 the fourth degree as defined in section 150.05 of the penal law; or
37 arson in the third degree as defined in section 150.10 of the penal
38 law;

39 (z) public lewdness in the first degree as defined in section 245.03
40 of the penal law;

41 (aa) criminal possession of a rapid-fire modification device as
42 defined in section 265.01-c of the penal law; criminal possession of a
43 weapon in a restricted location as defined in section 265.01-d of the
44 penal law; criminal possession of a firearm, rifle or shotgun in a
45 sensitive location as defined in section 265.01-e of the penal law; a
46 violation of manufacture, transport, disposition and defacement of weap-
47 ons and dangerous instruments and appliances as defined in subdivision
48 five of section 265.10 of the penal law; prohibited use of weapons as
49 defined in subdivision three of section 265.35 of the penal law; or
50 unlawful possession of certain ammunition feeding devices as defined in
51 section 265.37 of the penal law; or

52 (bb) unlawful fleeing a police officer in a motor vehicle in the third
53 degree as defined in section 270.25 of the penal law.

54 § 2. Subparagraphs (i), (xiii), (xx) and (xxi) of paragraph (b) of
55 subdivision 1 of section 530.20 of the criminal procedure law, subpara-
56 graphs (i) and (xiii) as amended by section 3 of part UU of chapter 56

1 of the laws of 2020, and subparagraph (xx) as amended and subparagraph
2 (xxi) as added by section 4 of subpart C of part UU of chapter 56 of the
3 laws of 2022, are amended and seven new subparagraphs (xxii), (xxiii),
4 (xxiv), (xxv), (xxvi), (xxvii) and (xxviii) are added to read as
5 follows:

6 (i) a felony enumerated in section 70.02 of the penal law[~~, other than~~
7 ~~robbery in the second degree as defined in subdivision one of section~~
8 ~~160.10 of the penal law, provided, however, that burglary in the second~~
9 ~~degree as defined in subdivision two of section 140.25 of the penal law~~
10 ~~shall be a qualifying offense only where the defendant is charged with~~
11 ~~entering the living area of the dwelling];~~

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

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

35 (xxi) criminal possession of a weapon in the third degree as defined
36 in subdivision three of section 265.02 of the penal law or criminal sale
37 of a firearm to a minor as defined in section 265.16 of the penal
38 law[~~];~~

39 (xxii) assault in the third degree as defined in section 120.00 of the
40 penal law; reckless assault of a child by a child day care provider as
41 defined in section 120.01 of the penal law; vehicular assault in the
42 second degree as defined in section 120.03 of the penal law; menacing in
43 the first degree as defined in section 120.13 of the penal law; menacing
44 in the second degree as defined in section 120.14 of the penal law;
45 menacing in the third degree as defined in section 120.15 of the penal
46 law; reckless endangerment in the second degree as defined in section
47 120.20 of the penal law; reckless endangerment in the first degree as
48 defined in section 120.25 of the penal law; stalking in the third degree
49 as defined in section 120.50 of the penal law; or stalking in the second
50 degree as defined in section 120.55 of the penal law;

51 (xxiii) unlawful imprisonment in the second degree as defined in
52 section 135.05 of the penal law;

53 (xxiv) burglary in the third degree as defined in section 140.20 of
54 the penal law;

55 (xxv) arson in the fifth degree as defined in section 150.01; arson in
56 the fourth degree as defined in section 150.05 of the penal law; or

1 arson in the third degree as defined in section 150.10 of the penal
2 law;

3 (xxvi) public lewdness in the first degree as defined in section
4 245.03 of the penal law;

5 (xxvii) criminal possession of a rapid-fire modification device as
6 defined in section 265.01-c of the penal law; criminal possession of a
7 weapon in a restricted location as defined in section 265.01-d of the
8 penal law; criminal possession of a firearm, rifle or shotgun in a
9 sensitive location as defined in section 265.01-e of the penal law; a
10 violation of manufacture, transport, disposition and defacement of weap-
11 ons and dangerous instruments and appliances as defined in subdivision
12 five of section 265.10 of the penal law; prohibited use of weapons as
13 defined in subdivision three of section 265.35 of the penal law; or
14 unlawful possession of certain ammunition feeding devices as defined in
15 section 265.37 of the penal law; or

16 (xxviii) unlawful fleeing a police officer in a motor vehicle in the
17 third degree as defined in section 270.25 of the penal law.

18 § 3. Paragraphs (a), (m), (t) and (u) of subdivision 4 of section
19 530.40 of the criminal procedure law, paragraph (a) as amended and para-
20 graph (m) as added by section 4 of part UU of chapter 56 of the laws of
21 2020, and paragraph (t) as amended and paragraph (u) as added by section
22 4 of subpart B of part UU of chapter 56 of the laws of 2022 are amended
23 and seven new paragraphs (v), (w), (x), (y), (z), (aa) and (bb) are
24 added to read as follows:

25 (a) a felony enumerated in section 70.02 of the penal law[~~, other than~~
26 ~~robbery in the second degree as defined in subdivision one of section~~
27 ~~160.10 of the penal law, provided, however, that burglary in the second~~
28 ~~degree as defined in subdivision two of section 140.25 of the penal law~~
29 ~~shall be a qualifying offense only where the defendant is charged with~~
30 ~~entering the living area of the dwelling];~~

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

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

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) assault in the third degree as defined in section 120.00 of the
5 penal law; reckless assault of a child by a child day care provider as
6 defined in section 120.01 of the penal law; vehicular assault in the
7 second degree as defined in section 120.03 of the penal law; menacing in
8 the first degree as defined in section 120.13 of the penal law; menacing
9 in the second degree as defined in section 120.14 of the penal law;
10 menacing in the third degree as defined in section 120.15 of the penal
11 law; reckless endangerment in the second degree as defined in section
12 120.20 of the penal law; reckless endangerment in the first degree as
13 defined in section 120.25 of the penal law; stalking in the third degree
14 as defined in section 120.50 of the penal law; or stalking in the second
15 degree as defined in section 120.55 of the penal law;

16 (w) unlawful imprisonment in the second degree as defined in section
17 135.05 of the penal law;

18 (x) burglary in the third degree as defined in section 140.20 of the
19 penal law;

20 (y) arson in the fifth degree as defined in section 150.01; arson in
21 the fourth degree as defined in section 150.05 of the penal law; or
22 arson in the third degree as defined in section 150.10 of the penal
23 law;

24 (z) public lewdness in the first degree as defined in section 245.03
25 of the penal law;

26 (aa) criminal possession of a rapid-fire modification device as
27 defined in section 265.01-c of the penal law; criminal possession of a
28 weapon in a restricted location as defined in section 265.01-d of the
29 penal law; criminal possession of a firearm, rifle or shotgun in a
30 sensitive location as defined in section 265.01-e of the penal law; a
31 violation of manufacture, transport, disposition and defacement of weap-
32 ons and dangerous instruments and appliances as defined in subdivision
33 five of section 265.10 of the penal law; prohibited use of weapons as
34 defined in subdivision three of section 265.35 of the penal law; or
35 unlawful possession of certain ammunition feeding devices as defined in
36 section 265.37 of the penal law; or

37 (bb) unlawful fleeing a police officer in a motor vehicle in the third
38 degree as defined in section 270.25 of the penal law.

39 § 4. The Office of Court Administration, in conjunction with the New
40 York State Division of Criminal Justice Services, shall manage an elec-
41 tronic tracking system maintaining a record of all bail decisions of
42 judges in this state, specifying by court, the number of cases in which
43 bail was granted, in which bail was denied and in which no bail was
44 required. If bail was granted, the average amount of bail required shall
45 be specified. On or before July 31st of each year, the Office of Court
46 Administration shall prepare a report detailing the record of cases and
47 deliver such report to the Speaker of the Assembly and the Temporary
48 President of the Senate.

49 § 5. This act shall take effect on the sixtieth day after it shall
50 have become a law; provided that section four of this act shall take
51 effect one year after it shall have become a law. Effective immediate-
52 ly, the addition, amendment and/or repeal of any rule or regulation
53 necessary for the implementation of this act on its effective date are
54 authorized to be made and completed on or before such effective date.