

# STATE OF NEW YORK

224

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, GRIFFO, MURRAY, OBERACKER, PALUMBO, RHOADS, ROLISON, TEDISCO, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to increasing the designation of certain offenses relating to unlawfully fleeing a police officer and making such offenses eligible for bail

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

1 Section 1. The second undesignated paragraph of section 270.25 of the  
2 penal law, as added by chapter 738 of the laws of 2006, is amended to  
3 read as follows:  
4 Unlawful fleeing a police officer in a motor vehicle in the third  
5 degree is a class [~~A misdemeanor~~] E felony.  
6 § 2. The second undesignated paragraph of section 270.30 of the penal  
7 law, as added by chapter 738 of the laws of 2006, is amended to read as  
8 follows:  
9 Unlawful fleeing a police officer in a motor vehicle in the second  
10 degree is a class [~~E~~] D felony.  
11 § 3. The second undesignated paragraph of section 270.35 of the penal  
12 law, as added by chapter 738 of the laws of 2006, is amended to read as  
13 follows:  
14 Unlawful fleeing a police officer in a motor vehicle in the first  
15 degree is a class [~~D~~] C felony.  
16 § 4. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the  
17 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
18 added by section 2 of subpart B of part UU of chapter 56 of the laws of  
19 2022, are amended and a new paragraph (v) is added to read as follows:  
20 (t) any felony or class A misdemeanor involving harm to an identifi-  
21 able person or property, or any charge of criminal possession of a

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

LBD01067-01-5

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

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

23 **(v) unlawful fleeing a police officer in a motor vehicle in the third**  
24 **degree as defined in section 270.25 of the penal law; unlawful fleeing a**  
25 **police officer in a motor vehicle in the second degree as defined in**  
26 **section 270.30 of the penal law; or unlawful fleeing a police officer in**  
27 **a motor vehicle in the first degree as defined in section 270.35 of the**  
28 **penal law.**

29 § 5. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of  
30 section 530.20 of the criminal procedure law, subparagraph (xx) as  
31 amended and subparagraph (xxi) as added by section 4 of subpart C of  
32 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-  
33 agraph (xxii) is added to read as follows:

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

53 (xxi) criminal possession of a weapon in the third degree as defined  
54 in subdivision three of section 265.02 of the penal law or criminal sale  
55 of a firearm to a minor as defined in section 265.16 of the penal  
56 law[~~+~~]; **or**

1 (xxii) unlawful fleeing a police officer in a motor vehicle in the  
2 third degree as defined in section 270.25 of the penal law; unlawful  
3 fleeing a police officer in a motor vehicle in the second degree as  
4 defined in section 270.30 of the penal law; or unlawful fleeing a police  
5 officer in a motor vehicle in the first degree as defined in section  
6 270.35 of the penal law.

7 § 6. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
8 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
9 added by section 4 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  
22 of this subparagraph, any of the underlying crimes need not be a quali-  
23 fying offense as defined in this subdivision. For the purposes of this  
24 paragraph, "harm to an identifiable person or property" shall include  
25 but not be limited to theft of or damage to property. However, based  
26 upon a review of the facts alleged in the accusatory instrument, if the  
27 court determines that such theft is negligible and does not appear to be  
28 in furtherance of other criminal activity, the principal shall be  
29 released on [~~his or her~~] their own recognizance or under appropriate  
30 non-monetary conditions; [~~or~~]

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

35 (v) unlawful fleeing a police officer in a motor vehicle in the third  
36 degree as defined in section 270.25 of the penal law; unlawful fleeing a  
37 police officer in a motor vehicle in the second degree as defined in  
38 section 270.30 of the penal law; or unlawful fleeing a police officer in  
39 a motor vehicle in the first degree as defined in section 270.35 of the  
40 penal law.

41 § 7. This act shall take effect on the first of November next succeed-  
42 ing the date on which it shall have become a law.