

STATE OF NEW YORK

6366

2025-2026 Regular Sessions

IN SENATE

March 11, 2025

Introduced by Sen. OBERACKER -- 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 authorizing bail for certain offenses involving violent threats against a school district, school, school staff or a student

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 a new paragraph (v) is added to read as
5 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~~ **paragraph**], any of the underlying crimes need not
18 be a qualifying offense as defined in this subdivision. For the purposes
19 of this paragraph, "harm to an identifiable person or property" shall
20 include but not be limited to theft of or damage to property. However,
21 based upon a review of the facts alleged in the accusatory instrument,
22 if the court determines that such theft is negligible and does not
23 appear to be in furtherance of other criminal activity, the principal

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

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1 shall be released on [~~his or her~~] their own recognizance or under appro-
2 priate non-monetary conditions; [~~or~~]

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

7 (v) aggravated harassment in the second degree as defined in section
8 240.30 of the penal law, aggravated harassment in the first degree as
9 defined in section 240.31 of the penal law, making a threat of mass harm
10 as defined in section 240.78 of the penal law or aggravated threat of
11 mass harm as defined in section 240.79 of the penal law, and is alleged
12 to have committed such offense against a school district, school, school
13 staff or a student.

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

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

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

42 (xxii) aggravated harassment in the second degree as defined in
43 section 240.30 of the penal law, aggravated harassment in the first
44 degree as defined in section 240.31 of the penal law, making a threat of
45 mass harm as defined in section 240.78 of the penal law or aggravated
46 threat of mass harm as defined in section 240.79 of the penal law, and
47 is alleged to have committed such offense against a school district,
48 school, school staff or a student.

49 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
50 criminal procedure law, paragraph (t) as amended and paragraph (u) as
51 added by section 4 of subpart B of part UU of chapter 56 of the laws of
52 2022, are amended and a new paragraph (v) is added to read as follows:

53 (t) any felony or class A misdemeanor involving harm to an identifi-
54 able person or property, or any charge of criminal possession of a
55 firearm as defined in section 265.01-b of the penal law, where such
56 charge arose from conduct occurring while the defendant was released on

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

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

21 (v) aggravated harassment in the second degree as defined in section
22 240.30 of the penal law, aggravated harassment in the first degree as
23 defined in section 240.31 of the penal law, making a threat of mass harm
24 as defined in section 240.78 of the penal law or aggravated threat of
25 mass harm as defined in section 240.79 of the penal law, and is alleged
26 to have committed such offense against a school district, school, school
27 staff or a student.

28 § 4. This act shall take effect immediately.