

# STATE OF NEW YORK

7015

2025-2026 Regular Sessions

## IN SENATE

March 28, 2025

Introduced by Sen. CANZONERI-FITZPATRICK -- 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 crimes committed by members of street gangs or a criminal enterprise to be eligible for bail

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

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

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1 released on [~~his or her~~] their own recognizance or under appropriate  
2 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) any misdemeanor or felony offense and there is reasonable cause to  
8 believe the principal is associated with a criminal street gang, as  
9 defined in section 10-170 of the administrative code of the city of New  
10 York or a criminal enterprise, as defined in section 460.10 of the penal  
11 law and there is reasonable cause to believe the offense is connected to  
12 criminal street gang or criminal enterprise activity.

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

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

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

41 (xxii) any misdemeanor or felony offense and there is reasonable cause  
42 to believe the principal is associated with a criminal street gang, as  
43 defined in section 10-170 of the administrative code of the city of New  
44 York or a criminal enterprise, as defined in section 460.10 of the penal  
45 law and there is reasonable cause to believe the offense is connected to  
46 criminal street gang or criminal enterprise activity.

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

51 (t) any felony or class A misdemeanor involving harm to an identifi-  
52 able person or property, or any charge of criminal possession of a  
53 firearm as defined in section 265.01-b of the penal law, where such  
54 charge arose from conduct occurring while the defendant was released on  
55 [~~his or her~~] their own recognizance, released under conditions, or had  
56 yet to be arraigned after the issuance of a desk appearance ticket for a

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

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

19 (v) any misdemeanor or felony offense and there is reasonable cause to  
20 believe the principal is associated with a criminal street gang, as  
21 defined in section 10-170 of the administrative code of the city of New  
22 York or a criminal enterprise, as defined in section 460.10 of the penal  
23 law and there is reasonable cause to believe the offense is connected to  
24 criminal street gang or criminal enterprise activity.

25 § 4. This act shall take effect immediately.