

STATE OF NEW YORK

8163

2025-2026 Regular Sessions

IN SENATE

May 16, 2025

Introduced by Sen. SCARCELLA-SPANTON -- 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 threats of mass harm against a
school district, school, school staff or a student

The People of the State of New York, represented in Senate and Assem-
bly, 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, aggravated threat of mass
11 harm as defined in section 240.79 of the penal law or, notwithstanding
12 the provisions of paragraph (g) of this subdivision, making a terroris-
13 tic threat as defined in section 490.20 of the penal law, and is alleged
14 to have committed such offense against a school district, school, school
15 staff or a student.

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

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~~] subparagraph,
33 "harm to an identifiable person or property" shall include but not be
34 limited to theft of or damage to property. However, based upon a review
35 of the facts alleged in the accusatory instrument, if the court deter-
36 mines that such theft is negligible and does not appear to be in furth-
37 erance of other criminal activity, the principal shall be released on
38 [~~his or her~~] their own recognizance or under appropriate non-monetary
39 conditions; [~~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) aggravated harassment in the second degree as defined in
45 section 240.30 of the penal law, aggravated harassment in the first
46 degree as defined in section 240.31 of the penal law, making a threat of
47 mass harm as defined in section 240.78 of the penal law, aggravated
48 threat of mass harm as defined in section 240.79 of the penal law or,
49 notwithstanding the provisions of subparagraph (vii) of this paragraph,
50 making a terroristic threat as defined in section 490.20 of the penal
51 law, and is alleged to have committed such offense against a school
52 district, school, school staff or a student.

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

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

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

25 (v) aggravated harassment in the second degree as defined in section
26 240.30 of the penal law, aggravated harassment in the first degree as
27 defined in section 240.31 of the penal law, making a threat of mass harm
28 as defined in section 240.78 of the penal law, aggravated threat of mass
29 harm as defined in section 240.79 of the penal law or, notwithstanding
30 the provisions of paragraph (g) of this subdivision, making a terroris-
31 tic threat as defined in section 490.20 of the penal law, and is alleged
32 to have committed such offense against a school district, school, school
33 staff or a student.

34 § 4. This act shall take effect immediately.