

STATE OF NEW YORK

11713

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. DeStefano)
-- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to including certain violations involving children as qualifying offenses for the purpose of imposing 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
24 released on ~~[his or her]~~ their own recognizance or under appropriate
25 non-monetary conditions; ~~[or]~~
26 (u) criminal possession of a weapon in the third degree as defined in
27 subdivision three of section 265.02 of the penal law or criminal sale of

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

LBD16281-01-6

1 a firearm to a minor as defined in section 265.16 of the penal law~~[+]~~;
2 or
3 (v) any crime where the principal is alleged to have caused physical,
4 psychological, or emotional harm to a child less than eighteen years
5 old.

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

11 (xx) 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, provided, however, that the prosecutor must show
19 reasonable cause to believe that the defendant committed the instant
20 crime and any underlying crime. For the purposes of this subparagraph,
21 any of the underlying crimes need not be a qualifying offense as defined
22 in this subdivision. For the purposes of this paragraph, "harm to an
23 identifiable person or property" shall include but not be limited to
24 theft of or damage to property. However, based upon a review of the
25 facts alleged in the accusatory instrument, if the court determines that
26 such theft is negligible and does not appear to be in furtherance of
27 other criminal activity, the principal shall be released on ~~[his or her]~~
28 their own recognizance or under appropriate non-monetary conditions;
29 ~~[or]~~

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

34 (xxii) any crime where the principal is alleged to have caused phys-
35 ical, psychological, or emotional harm to a child less than eighteen
36 years old.

37 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
38 criminal procedure law, paragraph (t) as amended and paragraph (u) as
39 added by section 4 of subpart B of part UU of chapter 56 of the laws of
40 2022, are amended and a new paragraph (v) is added to read as follows:

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

1 court determines that such theft is negligible and does not appear to be
2 in furtherance of other criminal activity, the principal shall be
3 released on ~~[his or her]~~ their own recognizance or under appropriate
4 non-monetary conditions; ~~[or]~~

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

9 (v) any crime where the principal is alleged to have caused physical,
10 psychological, or emotional harm to a child less than eighteen years
11 old.

12 § 4. This act shall take effect immediately.