

# STATE OF NEW YORK

1586

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

Introduced by M. of A. PAULIN, BRABENEC -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the application of bail in certain prostitution cases and labor trafficking cases

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 two new paragraphs (v) and (w) are added  
5 to read as 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~~] such defendant's own recognizance, released under condi-  
11 tions, or had yet to be arraigned after the issuance of a desk appear-  
12 ance ticket for a separate felony or class A misdemeanor involving harm  
13 to an identifiable person or property, or any charge of criminal  
14 possession of a firearm as defined in section 265.01-b of the penal law,  
15 provided, however, that the prosecutor must show reasonable cause to  
16 believe that the defendant committed the instant crime and any underly-  
17 ing crime. For the purposes of this subparagraph, any of the underlying  
18 crimes need not be a qualifying offense as defined in this subdivision.  
19 For the purposes of this paragraph, "harm to an identifiable person or  
20 property" shall include but not be limited to theft of or damage to  
21 property. However, based upon a review of the facts alleged in the accu-  
22 satory instrument, if the court determines that such theft is negligible  
23 and does not appear to be in furtherance of other criminal activity, the  
24 principal shall be released on [~~his or her~~] such principal's own recog-  
25 nizance or under appropriate non-monetary conditions; [~~or~~]

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

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

(v) a crime involving promoting prostitution under section 230.25, 230.30 or 230.32 of the penal law or compelling prostitution as defined in section 230.33 of the penal law; or

(w) labor trafficking as defined in section 135.35 of the penal law or aggravated labor trafficking as defined in section 135.37 of the penal law.

§ 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, subparagraph (xx) as amended and subparagraph (xxi) as added by section 4 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and two new subparagraphs (xxii) and (xxiii) are added to read as follows:

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

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

(xxii) a crime involving promoting prostitution under section 230.25, 230.30 or 230.32 of the penal law or compelling prostitution as defined in section 230.33 of the penal law; or

(xxiii) labor trafficking as defined in section 135.35 of the penal law or aggravated labor trafficking as defined in section 135.37 of the penal law.

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

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on ~~[his or her]~~ such defendant's own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal

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

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

16 (v) a crime involving promoting prostitution under section 230.25,  
17 230.30 or 230.32 of the penal law or compelling prostitution as defined  
18 in section 230.33 of the penal law; or

19 (w) labor trafficking as defined in section 135.35 of the penal law or  
20 aggravated labor trafficking as defined in section 135.37 of the penal  
21 law.

22 § 4. This act shall take effect on the sixtieth day after it shall  
23 have become a law.