

# STATE OF NEW YORK

632

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. BARCLAY, GALLAHAN, JENSEN, McDONOUGH, GANDOLFO, RA, K. BROWN, SMITH, ANGELINO, DURSO, MORINELLO, REILLY, LEMONDES, SIMPSON, TANNOUSIS, PALMESANO, WALSH, BRABENEC, CHANG, BLUMENCRAZ, BROOK-KRASNY, NOVAKHOV -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to including offenses involving the possession, display or discharge of a firearm, rifle, shotgun, machine-gun, or disguised gun as qualifying offenses for the purpose of allowing a principal to be eligible to be held on 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

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

LBD00133-01-5

1 paragraph, "harm to an identifiable person or property" shall include  
2 but not be limited to theft of or damage to property. However, based  
3 upon a review of the facts alleged in the accusatory instrument, if the  
4 court determines that such theft is negligible and does not appear to be  
5 in furtherance of other criminal activity, the principal shall be  
6 released on ~~[his or her]~~ their own recognizance or under appropriate  
7 non-monetary conditions; ~~[or]~~

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

12 (v) any misdemeanor or felony offense as defined in the penal law  
13 involving the possession, display or discharge of a firearm, rifle,  
14 shotgun, machine-gun, or disguised gun.

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

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

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

43 (xxii) any misdemeanor or felony offense as defined in the penal law  
44 involving the possession, display or discharge of a firearm, rifle,  
45 shotgun, machine-gun, or disguised gun.

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

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

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

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

18 (v) any misdemeanor or felony offense as defined in the penal law  
19 involving the possession, display or discharge of a firearm, rifle,  
20 shotgun, machine-gun, or disguised gun.

21 § 4. This act shall take effect immediately.