STATE OF NEW YORK

9127

2025-2026 Regular Sessions

IN ASSEMBLY

September 26, 2025

Introduced by M. of A. BARCLAY, REILLY, SIMPSON, JENSEN, E. BROWN, GANDOLFO, MANKTELOW, MILLER, GALLAHAN, BLUMENCRANZ, PALMESANO, K. BROWN, GRAY, DURSO, PIROZZOLO, SLATER, BENDETT, NOVAKHOV, LEMONDES, HAWLEY, DeSTEFANO, ANGELINO, TAGUE, BRABENEC, GIGLIO, MORINELLO, WALSH, SMULLEN, BEEPHAN, BLANKENBUSH, BROOK-KRASNY, McDONOUGH, MIKULIN, SMITH, RA, MAHER, CHANG, BOLOGNA -- Multi-Sponsored by -- M. of A. FRIEND -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the penal law, in relation to including certain offenses in being eligible for bail, making certain offenses eligible to be considered hate crimes, and increasing the penalties for certain offenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs (g), (m), (t), and (u) of subdivision 4 of section 510.10 of the criminal procedure law, paragraph (g) as amended and paragraph (m) as added by section 2 of part UU of chapter 56 of the laws of 2020 and paragraph (t) as amended and paragraph (u) as added by section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (v) is added to read as follows:

(g) money laundering in support of terrorism in the first degree as defined in section 470.24 of the penal law; money laundering in support of terrorism in the second degree as defined in section 470.23 of the penal law; money laundering in support of terrorism in the third degree as defined in section 470.22 of the penal law; money laundering in support of terrorism in the fourth degree as defined in section 470.21 of the penal law; [~~or~~] a felony crime of terrorism as defined in article four hundred ninety of the penal law[~~, other than the crime defined in section 490.20 of such law~~]**; aggravated threat of mass harm as defined in section 240.79 of the penal law; or making a threat of mass harm as defined in section 240.78 of the penal law**;

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

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(m) assault in the third degree as defined in section 120.00 of the penal law [~~or~~]; arson in the third degree as defined in section 150.10 of the penal law[~~,~~]; aggravated harassment in the second degree as defined in section 240.30; harassment in the first degree as defined in section 240.25; menacing in the third degree as defined in section 120.15; menacing in the second degree as defined in section 120.14; or menacing in the first degree as defined in section 120.13, when any such crime is charged as a hate crime as defined in section 485.05 of the penal law;

(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 possession of a firearm as defined in section 265.01-b of the penal law, 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~~]

(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[~~,~~]; or

(v) aggravated harassment in the first degree as defined in section 240.31 of the penal law.

§ 2. Subparagraphs (vii), (xiii), (xx), and (xxi) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, subparagraphs (vii) and (xiii) as amended by section 3 of part UU of chapter 56 of the laws of 2020 and 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 a new subparagraph (xxii) is added to read as follows:

(vii) money laundering in support of terrorism in the first degree as defined in section 470.24 of the penal law; money laundering in support of terrorism in the second degree as defined in section 470.23 of the penal law; money laundering in support of terrorism in the third degree as defined in section 470.22 of the penal law; money laundering in support of terrorism in the fourth degree as defined in section 470.21 of the penal law; [~~or~~] a felony crime of terrorism as defined in article four hundred ninety of the penal law[~~, other than the crime defined in section 490.20 of such law~~]; aggravated threat of mass harm as defined in section 240.79 of the penal law; or making a threat of mass harm as defined in section 240.78 of the penal law;

(xiii) assault in the third degree as defined in section 120.00 of the penal law [~~or~~]; arson in the third degree as defined in section 150.10 of the penal law; aggravated harassment in the second degree as defined

in section 240.30; harassment in the first degree as defined in section 240.25; menacing in the third degree as defined in section 120.15; menacing in the second degree as defined in section 120.14; or menacing in the first degree as defined in section 120.13, when any such crime is charged as a hate crime as defined in section 485.05 of the penal law;

(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[~~.~~]; or

(xxii) aggravated harassment in the first degree as defined in section 240.31 of the penal law.

§ 3. Paragraphs (g), (m), (t), and (u) of subdivision 4 of section 530.40 of the criminal procedure law, paragraph (g) as amended and paragraph (m) as added by section 4 of part UU of chapter 56 of the laws of 2020 and 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 a new paragraph (v) is added to read as follows:

(g) money laundering in support of terrorism in the first degree as defined in section 470.24 of the penal law; money laundering in support of terrorism in the second degree as defined in section 470.23 of the penal law; money laundering in support of terrorism in the third degree as defined in section 470.22 of the penal law; money laundering in support of terrorism in the fourth degree as defined in section 470.21 of the penal law; [~~or~~] a felony crime of terrorism as defined in article four hundred ninety of the penal law[~~, other than the crime defined in section 490.20 of such law~~]; aggravated threat of mass harm as defined in section 240.79 of the penal law; or making a threat of mass harm as defined in section 240.78 of the penal law;

(m) assault in the third degree as defined in section 120.00 of the penal law or arson in the third degree as defined in section 150.10 of the penal law; aggravated harassment in the second degree as defined in section 240.30; harassment in the first degree as defined in section 240.25; menacing in the third degree as defined in section 120.15; menacing in the second degree as defined in section 120.14; or menacing in the first degree as defined in section 120.13, when any such crime is charged as a hate crime as defined in section 485.05 of the penal law;

(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 possession of a firearm as defined in section 265.01-b of the penal law, 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~~]

(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[~~.~~]**;**

or

(v) aggravated harassment in the first degree as defined in section 240.31 of the penal law.

§ 4. Subparagraph (xi) of paragraph (b) of subdivision 1 of section 150.20 of the criminal procedure law, as added by section 1 of subpart B of part UU of chapter 56 of the laws of 2022, is amended to read as follows:

(xi) the offense is a qualifying offense pursuant to paragraph **(g) or** (t) of subdivision four of section 510.10 of this chapter, or pursuant to paragraph **(g) or** (t) of subdivision four of section 530.40 of this chapter.

§ 5. Subdivision 3 of section 485.05 of the penal law, as amended by section 2 of part C of chapter 55 of the laws of 2024, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 125.26 (aggravated murder); section 125.27 (murder in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree);

section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); former section 130.40; former section 130.45; former section 130.50; section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree); subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon in the first degree); section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); **section 240.78 (making a threat of mass harm); section 240.79 (aggra-**

vated threat of mass harm); or any attempt or conspiracy to commit any of the foregoing offenses.

§ 6. The closing paragraph of section 240.78 of the penal law, as added by chapter 206 of the laws of 2022, is amended to read as follows:

Making a threat of mass harm is a class [~~B~~] **A** misdemeanor.

§ 7. The closing paragraph of section 240.79 of the penal law, as added by chapter 206 of the laws of 2022, is amended to read as follows:

Aggravated threat of mass harm is a class [~~A misdemeanor~~] **E felony**.

§ 8. This act shall take effect on the thirtieth day after it shall have become a law.