

STATE OF NEW YORK

224

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, GRIFFO, MURRAY, OBERACKER, PALUMBO, RHOADS, ROLISON, TEDISCO, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to increasing the designation of certain offenses relating to unlawfully fleeing a police officer and making such offenses eligible for bail

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

1 Section 1. The second undesignated paragraph of section 270.25 of the
2 penal law, as added by chapter 738 of the laws of 2006, is amended to
3 read as follows:
4 Unlawful fleeing a police officer in a motor vehicle in the third
5 degree is a class [~~A misdemeanor~~] E felony.
6 § 2. The second undesignated paragraph of section 270.30 of the penal
7 law, as added by chapter 738 of the laws of 2006, is amended to read as
8 follows:
9 Unlawful fleeing a police officer in a motor vehicle in the second
10 degree is a class [~~E~~] D felony.
11 § 3. The second undesignated paragraph of section 270.35 of the penal
12 law, as added by chapter 738 of the laws of 2006, is amended to read as
13 follows:
14 Unlawful fleeing a police officer in a motor vehicle in the first
15 degree is a class [~~D~~] C felony.
16 § 4. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
17 criminal procedure law, paragraph (t) as amended and paragraph (u) as
18 added by section 2 of subpart B of part UU of chapter 56 of the laws of
19 2022, are amended and a new paragraph (v) is added to read as follows:
20 (t) any felony or class A misdemeanor involving harm to an identifi-
21 able person or property, or any charge of criminal possession of a

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

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

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

23 **(v) unlawful fleeing a police officer in a motor vehicle in the third**
24 **degree as defined in section 270.25 of the penal law; unlawful fleeing a**
25 **police officer in a motor vehicle in the second degree as defined in**
26 **section 270.30 of the penal law; or unlawful fleeing a police officer in**
27 **a motor vehicle in the first degree as defined in section 270.35 of the**
28 **penal law.**

29 § 5. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
30 section 530.20 of the criminal procedure law, subparagraph (xx) as
31 amended and subparagraph (xxi) as added by section 4 of subpart C of
32 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-
33 agraph (xxii) is added to read as follows:

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

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

1 (xxii) unlawful fleeing a police officer in a motor vehicle in the
2 third degree as defined in section 270.25 of the penal law; unlawful
3 fleeing a police officer in a motor vehicle in the second degree as
4 defined in section 270.30 of the penal law; or unlawful fleeing a police
5 officer in a motor vehicle in the first degree as defined in section
6 270.35 of the penal law.

7 § 6. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
8 criminal procedure law, paragraph (t) as amended and paragraph (u) as
9 added by section 4 of subpart B of part UU of chapter 56 of the laws of
10 2022, are amended and a new paragraph (v) is added to read as follows:

11 (t) 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, or any charge of criminal possession of a firearm as
19 defined in section 265.01-b of the penal law, provided, however, that
20 the prosecutor must show reasonable cause to believe that the defendant
21 committed the instant crime and any underlying crime. For the purposes
22 of this subparagraph, any of the underlying crimes need not be a quali-
23 fying offense as defined in this subdivision. For the purposes of this
24 paragraph, "harm to an identifiable person or property" shall include
25 but not be limited to theft of or damage to property. However, based
26 upon a review of the facts alleged in the accusatory instrument, if the
27 court determines that such theft is negligible and does not appear to be
28 in furtherance of other criminal activity, the principal shall be
29 released on [~~his or her~~] their own recognizance or under appropriate
30 non-monetary conditions; [~~or~~]

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

35 (v) unlawful fleeing a police officer in a motor vehicle in the third
36 degree as defined in section 270.25 of the penal law; unlawful fleeing a
37 police officer in a motor vehicle in the second degree as defined in
38 section 270.30 of the penal law; or unlawful fleeing a police officer in
39 a motor vehicle in the first degree as defined in section 270.35 of the
40 penal law.

41 § 7. This act shall take effect on the first of November next succeed-
42 ing the date on which it shall have become a law.