

STATE OF NEW YORK

307

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RHOADS, CANZONERI-FITZPATRICK, GALLIVAN, HELMING, MARTINS, MATTERA, MURRAY, OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to authorizing bail for certain felony offenses involving the manufacture, sale, distribution, or possession with intent to sell synthetic opioids

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

1 Section 1. Paragraph (d) of subdivision 4 of section 510.10 of the
2 criminal procedure law, as amended by section 2 of part UU of chapter 56
3 of the laws of 2020, is amended to read as follows:

4 (d) a class A felony defined in the penal law~~[, provided that for~~
5 ~~class A felonies under article two hundred twenty of the penal law, only~~
6 ~~class A-I felonies shall be a qualifying offense]~~;

7 § 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
8 criminal procedure law, paragraph (t) as amended and paragraph (u) as
9 added by section 2 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-

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

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

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

13 (v) any felony offense defined in article two hundred twenty of the
14 penal law, where such offense involves the manufacture, sale, distrib-
15 ution, or possession with intent to sell synthetic opioids, including
16 but not limited to fentanyl, fentanyl analogues, nitazene, and nitazene
17 analogues.

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

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

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

46 (xxii) any felony offense defined in article two hundred twenty of the
47 penal law, where such offense involves the manufacture, sale, distrib-
48 ution, or possession with intent to sell synthetic opioids, including
49 but not limited to fentanyl, fentanyl analogues, nitazene, and nitazene
50 analogues.

51 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
52 criminal procedure law, paragraph (t) as amended and paragraph (u) as
53 added by section 4 of subpart B of part UU of chapter 56 of the laws of
54 2022, are amended and a new paragraph (v) is added to read as follows:

55 (t) any felony or class A misdemeanor involving harm to an identifi-
56 able person or property, or any charge of criminal possession of a

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) any felony offense defined in article two hundred twenty of the
24 penal law, where such offense involves the manufacture, sale, distrib-
25 ution, or possession with intent to sell synthetic opioids, including
26 but not limited to fentanyl, fentanyl analogues, nitazene, and nitazene
27 analogues.

28 § 5. This act shall take effect immediately.