

# STATE OF NEW YORK

32

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. TEDISCO, BORRELLO, GRIFFO, HELMING, OBERACKER,  
O'MARA, ORTT, STEC, WEIK -- 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 setting bail  
for defendants who pose a threat to public safety

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

1 Section 1. Subdivision 1 of section 510.10 of the criminal procedure  
2 law, as amended by section 1 of subpart C of part UU of chapter 56 of  
3 the laws of 2022 and the opening paragraph as amended by section 2 of  
4 subpart A of part VV of chapter 56 of the laws of 2023, is amended to  
5 read as follows:

6 1. When a principal, whose future court attendance at a criminal  
7 action or proceeding is or may be required, comes under the control of a  
8 court, such court shall impose a securing order in accordance with this  
9 title. Except as otherwise required by law, the court shall make an  
10 individualized determination as to whether the principal poses a risk of  
11 flight to avoid prosecution, consider the kind and degree of control or  
12 restriction necessary to reasonably assure the principal's return to  
13 court, and select a securing order consistent with its determination  
14 under this subdivision or the court shall make an individualized deter-  
15 mination based on the principal's record of a prior felony conviction,  
16 a failure to appear in court or if the principal is arrested during the  
17 interim period while awaiting a preliminary hearing or trial and  
18 select a securing order consistent with its determination under this  
19 subdivision. The court shall explain the basis for its determination and  
20 its choice of securing order on the record or in writing. In making a  
21 determination under this subdivision, the court must consider and take  
22 into account available information about the principal, including:

23 (a) The principal's activities and history;

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

LBD00129-01-5

- 1 (b) If the principal is a defendant, the charges facing the principal;  
2 (c) The principal's criminal conviction record if any;  
3 (d) The principal's record of previous adjudication as a juvenile  
4 delinquent, as retained pursuant to section 354.1 of the family court  
5 act, or, of pending cases where fingerprints are retained pursuant to  
6 section 306.1 of such act, or a youthful offender, if any;  
7 (e) The principal's previous record with respect to flight to avoid  
8 criminal prosecution;  
9 (f) If monetary bail is authorized, according to the restrictions set  
10 forth in this title, the principal's individual financial circumstances,  
11 and, in cases where bail is authorized, the principal's ability to post  
12 bail without posing undue hardship, as well as [~~his or her~~] the princi-  
13 pal's ability to obtain a secured, unsecured, or partially secured bond;  
14 (g) Any violation by the principal of an order of protection issued by  
15 any court;  
16 (h) The principal's history of use or possession of a firearm;  
17 (i) Whether the charge is alleged to have caused serious harm to an  
18 individual or group of individuals; and  
19 (j) If the principal is a defendant, in the case of an application for  
20 a securing order pending appeal, the merit or lack of merit of the  
21 appeal.
- 22 § 2. This act shall take effect immediately.