

STATE OF NEW YORK

578

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. HELMING -- 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 offenses for which a court may fix bail or commit a principal to custody of the sheriff

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

1 Section 1. Subdivision 1 of section 510.10 of the criminal procedure
2 law is amended by adding a new paragraph (e-1) to read as follows:

3 (e-1) The principal has been designated a sex offender under arti-
4 cle six-C of the correction law;

5 § 1-a. Subdivision 3 of section 510.10 of the criminal procedure law,
6 as amended by section 2 of subpart A of part VV of chapter 56 of the
7 laws of 2023, is amended to read as follows:

8 3. In cases other than as described in subdivision four of this
9 section, the court shall release the principal pending trial on the
10 principal's own recognizance, unless the court finds on the record or in
11 writing that: (a) release on the principal's own recognizance will not
12 reasonably assure the principal's return to court; or (b) that the prin-
13 cipal has been designated as a sex offender under article six-C of the
14 correction law. In such instances, the court shall release the principal
15 under non-monetary conditions as provided for in subdivision three-a of
16 section 500.10 of this title that will reasonably assure the principal's
17 return to court; provided, however, where the principal has been desig-
18 nated a sex offender under article six-C of the correction law, the
19 court may in its discretion fix bail or commit the principal to the
20 custody of the sheriff. The court shall explain its [~~choice of securing~~
21 ~~order~~] determination and conditions on the record or in writing.

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

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1 § 2. Paragraph (b) of subdivision 1 of section 530.20 of the criminal
2 procedure law is amended by adding a new subparagraph (v-1) to read as
3 follows:

4 (v-1) a sex offense under article six-C of the correction law and has
5 been designated a sex offender;

6 § 3. Subdivision 4 of section 530.40 of the criminal procedure law is
7 amended by adding a new paragraph (e-1) to read as follows:

8 (e-1) a sex offense under article six-C of the correction law and has
9 been designated a sex offender;

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