

STATE OF NEW YORK

6366--A

2025-2026 Regular Sessions

IN SENATE

March 11, 2025

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to authorizing bail for certain offenses involving threats of mass harm against a school district, school, school staff or a student

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

1 Section 1. Paragraphs (t) and (u) of subdivision 4 of section 510.10
2 of the criminal procedure law, paragraph (t) as amended and paragraph
3 (u) as added by section 2 of subpart B of part UU of chapter 56 of the
4 laws of 2022, are amended and a new paragraph (v) is added to read as
5 follows:
6 (t) any felony or class A misdemeanor involving harm to an identifi-
7 able person or property, or any charge of criminal possession of a
8 firearm as defined in section 265.01-b of the penal law, where such
9 charge arose from conduct occurring while the defendant was released on
10 [~~his or her~~ *their* own recognizance, released under conditions, or had
11 yet to be arraigned after the issuance of a desk appearance ticket for a
12 separate felony or class A misdemeanor involving harm to an identifiable
13 person or property, or any charge of criminal possession of a firearm as
14 defined in section 265.01-b of the penal law, provided, however, that
15 the prosecutor must show reasonable cause to believe that the defendant
16 committed the instant crime and any underlying crime. For the purposes
17 of this [~~subparagraph~~ *paragraph*, any of the underlying crimes need not
18 be a qualifying offense as defined in this subdivision. For the purposes
19 of this paragraph, "harm to an identifiable person or property" shall
20 include but not be limited to theft of or damage to property. However,
21 based upon a review of the facts alleged in the accusatory instrument,
22 if the court determines that such theft is negligible and does not

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

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1 appear to be in furtherance of other criminal activity, the principal
2 shall be released on [~~his or her~~] their own recognizance or under appro-
3 priate non-monetary conditions; [~~or~~]

4 (u) criminal possession of a weapon in the third degree as defined in
5 subdivision three of section 265.02 of the penal law or criminal sale of
6 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];
7 or

8 (v) aggravated harassment in the second degree as defined in section
9 240.30 of the penal law, aggravated harassment in the first degree as
10 defined in section 240.31 of the penal law, making a threat of mass harm
11 as defined in section 240.78 of the penal law, aggravated threat of mass
12 harm as defined in section 240.79 of the penal law or, notwithstanding
13 the provisions of paragraph (g) of this subdivision, making a terroris-
14 tic threat as defined in section 490.20 of the penal law, and is alleged
15 to have committed such offense against a school district, school, school
16 staff or a student.

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

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

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

45 (xxii) aggravated harassment in the second degree as defined in
46 section 240.30 of the penal law, aggravated harassment in the first
47 degree as defined in section 240.31 of the penal law, making a threat of
48 mass harm as defined in section 240.78 of the penal law, aggravated
49 threat of mass harm as defined in section 240.79 of the penal law or,
50 notwithstanding the provisions of subparagraph (vii) of this paragraph,
51 making a terroristic threat as defined in section 490.20 of the penal
52 law, and is alleged to have committed such offense against a school
53 district, school, school staff or a student.

54 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
55 criminal procedure law, paragraph (t) as amended and paragraph (u) as

1 added by section 4 of subpart B of part UU of chapter 56 of the laws of
2 2022, are amended and a new paragraph (v) is added to read as follows:

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

23 (u) criminal possession of a weapon in the third degree as defined in
24 subdivision three of section 265.02 of the penal law or criminal sale of
25 a firearm to a minor as defined in section 265.16 of the penal law[~~;~~];
26 or

27 (v) aggravated harassment in the second degree as defined in section
28 240.30 of the penal law, aggravated harassment in the first degree as
29 defined in section 240.31 of the penal law, making a threat of mass harm
30 as defined in section 240.78 of the penal law, aggravated threat of mass
31 harm as defined in section 240.79 of the penal law or, notwithstanding
32 the provisions of paragraph (g) of this subdivision, making a terroris-
33 tic threat as defined in section 490.20 of the penal law, and is alleged
34 to have committed such offense against a school district, school, school
35 staff or a student.

36 § 4. This act shall take effect immediately.