



# 2023 Annual Conference

*Syracuse, New York*

## **Updates & Review of the Bail Reform Act**

Date: Monday, October 2, 2023

Instructor:

Daniel M. Killelea, Esq.

MCLE: 1.0 Professional Practice

This program has been approved for credit in  
New York State for all attorneys  
including those who are Newly Admitted  
(less than 24 months) and administered by  
the Onondaga County Bar Association



Daniel M. Killelea, Esq. is an attorney based in Western New York who regularly practices in City, Town and Village Courts as well as County and State Supreme Courts and whose practice includes the defense of those charged with crimes and those facing professional discipline, as well as the representation of members of public safety labor unions. He is a former Assistant District Attorney and Special Assistant United States Attorney who is certified as a General Topics Instructor by the New York State Municipal Police Training Council, and is an instructor at the Erie County Central Police Services Law Enforcement Training Academy in Amherst, as well as the Rural Police Training Academy in Batavia. Dan lectures regularly to attorneys, judges and court personnel on recent developments in the law as well as on matters of general interest to the legal community. He has been named an Upstate New York "Super Lawyer" and to the "Who's Who in Law" list by the Buffalo Law Journal, and he is a member of the Erie County, Wyoming County, Genesee County, and New York State Bar Associations.



# **Updates & Review of the Bail Reform Act**

**New York State  
Magistrates' Association  
Syracuse, New York  
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## CPL Article 510

### Securing Orders

#### I. CPL §510.10(1)

- A. Before issuing a Securing Order, you **MUST** make an individualized determination concerning Risk of Flight
- B. You **MUST** explain the basis of your determination **ON THE RECORD OR IN WRITING**
- C. You **MUST** consider the following factors in making that determination:
  - CPL 510.10(1)(a): Activities and History
  - CPL 510.10(1)(b): Charges Faced
  - CPL 510.10(1)(c): Criminal Record
  - CPL 510.10(1)(d): Prior Juvenile Delinquency or YO
  - CPL 510.10(1)(e): Previous Failures to Appear
  - CPL 510.10(1)(f): Ability to Post Monetary Bail without Undue Hardship, and Ability to Obtain Secured, Unsecured, or Partially Secured Bond
  - CPL 510.10(1)(g): Any Violations of OOPs
  - CPL 510.10(1)(h): History of Use or Possession of a Firearm

CPL 510.10(1)(i): Whether Charge is Alleged to Have Caused Serious Harm to an Individual or Group of Individuals

CPL 510.10(1)(j): [In Appeals] Merit, or Lack of Merit

II. CPL §510.10(2)

A. Defendants are Entitled to Counsel to Prepare Application(s) for a Securing Order

B. If they cannot afford Counsel, Court must Appoint Counsel

III. CPL §510.10(3)

A. Relates to Non-Qualifying (i.e., Non-Bail Eligible) Offenses

B. Defendants MUST be Released on their Own Recognizance UNLESS:

i. Court finds ON THE RECORD OR IN WRITING that ROR won't reasonably assure Defendant's return to court

ii. If so, Court MUST release defendant under Non-Monetary Conditions and MUST explain choice of Securing Order on the Record or in Writing

iii. Non-Monetary Conditions (CPL §500.10)

(a) that the principal be in contact with a pretrial services agency serving principals in that county;

- (b) that the principal abide by reasonable, specified restrictions on travel that are reasonably related to an actual risk of flight from the jurisdiction, or that the principal surrender his or her passport;
- (c) that the principal refrain from possessing a firearm, destructive device, or other dangerous weapon;
- (d) that, upon a finding in accordance with subdivision four of section 510.45 of this title, the person be placed in reasonable pretrial supervision with a pretrial services agency serving principals in that county, provided, however that where non-monetary conditions are imposed in combination with a securing order also fixing bail, the court shall not be required to make such separate finding;
- (e) that the principal refrain from associating with certain persons who are connected with the instant charge, including, when appropriate, specified victims, witnesses, or co-defendants;
- (f) that the principal be referred to a pretrial services agency for placement in mandatory programming, including counseling, treatment, including but not limited to mental health and chemical dependence treatment, and intimate partner violence intervention programs. Where applicable, the court may refer the principal to a crisis stabilization center or direct that the principal be



removed to a hospital pursuant to section 9.43 of the mental hygiene law;

- (g) that the principal make diligent efforts to maintain employment, housing, or enrollment in school or educational programming;
- (h) that the principal obey an order of protection issued by the court, including an order issued pursuant to section 530.11 of this title;
- (i) that the principal obey conditions set by the court addressed to the safety of a victim of a family offense as defined in section 530.11 of this title including conditions that may be requested by or on behalf of the victim; and
- (j) that, when it is shown pursuant to paragraph (a) of subdivision four of section 510.40 of this title that no other realistic non-monetary condition or set of non-monetary conditions will suffice to reasonably assure the principal's return to court, the principal's location be monitored with an approved electronic monitoring device, in accordance with such subdivision four of section 510.40 of this title.

#### IV. CPL §510.10(4)

##### A. Relates to Qualifying (i.e., Bail Eligible) Offenses (see, Exhibit A)

B. Misdemeanors

- i. Can Release on their Own Recognizance; or
- ii. Can Release on Non-Monetary Conditions (CPL §500.10); or
- iii. Can Fix Bail; or
- iv. Can Fix Bail along with Non-Monetary Conditions

C. Felonies

- i. Can Release on their Own Recognizance; or
- ii. Can Release on Non-Monetary Conditions (CPL §500.10); or
- iii. Can Fix Bail; or
- iv. Can Fix Bail along with Non-Monetary Conditions; or
- v. Can Commit to the Custody of the Sheriff (e.g., when the charge is a class “A” felony, or when the defendant has at least two [2] prior felony convictions, and NO BAIL MAY BE SET)

V. CPL §510.10(5)

- A. Defendants may request Nominal Bail
- B. If the Court is satisfied that it’s a Voluntary Request, the Court SHALL set Bail

## VI. CPL §510.10(6)

- A. When a Securing is Revoked or Terminated and the Case is still Active, a New Securing Order MUST be Issued
- B. If the Defendant is in Custody, the Sheriff MUST be advised that the Securing Order has been Revoked or Terminated

## Commitment of Principals Under Age 17 or 18

### I. CPL §510.15

- A. MUST be Sent to Division for Youth Facility
- B. No Detention for Youths Under 18 Who are Only Charged with a Violation/Infraction

## Application for Change in Securing Order

### I. CPL §510.20

- A. Can be Made by Defendant at Any Time
- B. Defendant is Entitled to Counsel (i.e., Court must Appoint if none is Retained and Defendant Qualifies)
- C. Defendant is Entitled to be Heard
- D. If any of the Original Charges on which Court Issued Securing Order Have Changed, Court MUST Issue New Securing Order

## Application for Securing Order

- I. CPL §510.30(1)
  - A. Unless otherwise provided by law, Court MUST issue Securing Order
  - B. Court MUST explain the basis for its determination ON THE RECORD OR IN WRITING
  
- II. CPL §510.30(2)
  - A. Relates to Appeals
  - B. If Appeal is Meritless, Denial is Justified, though not Required
  
- III. CPL §510.30(3)
  - A. When Securing Order is Issued and Charge is a Felony, Court MUST advise Defendant that Release is Conditional
  - B. Court MUST advise Defendant that they could be Jailed if they commit a Subsequent Felony while at Liberty

Court Notification to Principal of Conditions of Release and of Alleged Violations of Conditions of Release

I. CPL §510.40(1)

- A. If a Defendant is Being Released (i.e., bail is posted, release on own recognizance, or non-monetary conditions being set), Court MUST direct Defendant to Appear Whenever Required
- B. Court also MUST advise Defendant “to be at all times amenable to the orders and processes of the Court”

II. CPL §510.40(2)

- A. Bail Posted MUST be Examined to Ensure it’s in the Right Form, etc.
- B. If Bail Posted is in the Right Form, the Court MUST Issue a Certificate of Release
- C. If Bail is Not Posted, or is Not in the Right Form, Court MUST order Commitment to Sheriff
- D. If Bail Posted is Not Approved, Court must state Explanation Promptly, and IN WRITING

III. CPL §510.40(3)

- A. Non-Monetary Conditions of Release MUST be Individualized and MUST BE IN WRITING
- B. Court MUST consider Lessening the Conditions in the Future
- C. Non-Compliance with Non-Monetary Conditions of Release “...in an important respect” can Justify Setting Additional

Non-Monetary Conditions, but Only After Both Sides have  
been Heard—and Determination must be ON THE RECORD  
OR IN WRITING

IV. CPL §510.40(4)

- A. Electronic Monitoring (i.e., Ankle Monitors)
- B. Maximum Period of 60 Days (though Renewable)
- C. Time On Electronic Monitoring is Considered “Time in Custody” for CPL §§170.70 and 180.80 Purposes

V. CPL §510.40(5)

- A. Non-Monetary Conditions of Release **MUST** be Stated with Plain Wording
- B. Non-Monetary Conditions of Release **MUST** be Accompanied by a Warning that a Violation of the Conditions Could Result in Revocation

Court Appearances: Additional Notifications

I. CPL §510.43

- A. Defendant Can Choose to be Notified by Text, Telephone Call, Email, or First-Class Mail
- B. Defendant Can be Asked to Provide Information to Facilitate Their Chosen Method of Notification

- C. A Defendant's Refusal to Fill Out Notification Form Can Result in No Notification Being Sent—and That Doesn't Constitute a Failure to Notify Such as Would Excuse a Defendant's Failure to Appear

### Pre-Trial Service Agencies

- I. CPL §510.45
  - A. OCA Certifies Acceptable Pre-Trial Service Agencies
  - B. Pre-Trial Service Agencies Must be Municipal or Non-Profit

### Enforcement of Securing Order

- I. CPL §510.50(1)
  - A. When a Defendant is in Custody, Court may direct Sheriff to Produce Defendant at Court
  - B. When a Defendant is at Liberty, Court may Compel Attendance at Court through Various Methods, Including a Notice to Appear, and a Bench Warrant
- II. CPL §510.50(2)
  - A. In Cases OTHER THAN when a Defendant is charged with a New Crime while at Liberty and Fails to Appear (since in those cases the Court can immediately issue a Bench

Warrant), the Court MUST give a Defendant 48 Hours to Appear Voluntarily before Issuing a Bench Warrant

- B. HOWEVER, in a case where a Defendant has NOT been charged with a New Crime while at Liberty, the Court does NOT need to give a Defendant 48 Hours to Appear Voluntarily before Issuing a Bench Warrant if there is Relevant, Credible Evidence that a Defendant's Failure to Appear was WILFULL

## CPL Article 520

### Bail & Bail Bonds

- I. CPL §520.10(1)
- A. Cash Bail
  - B. Insurance Company Bail Bond
  - C. Secured Surety Bond
  - D. Secured Appearance Bond
  - E. Partially Secured Surety Bond
  - F. Partially Secured Appearance Bond
  - G. Unsecured Surety Bond
  - H. Unsecured Appearance Bond
  - I. Credit Card (which could include a User/Service Fee)



- II. CPL §520.10(2)
  - A. If no forms of Bail are Designated, Bail can be Posted as an Unsecured Surety Bond (form “G”), or as an Unsecured Appearance Bond (form “H”)
  - B. Court MUST offer three (3) or More Forms of Bail, at least one (1) of which MUST be a Partially Secured Surety Bond (form “E”) or an Unsecured Surety Bond (form “G”)

## CPL Article 530

### Certain Modifications of Securing Orders

- I. CPL §530.60(1)
  - A. Whenever a Court Considers it Necessary to Review ROR, Non-Monetary Conditions of Release, or Bail, the Court can Require a Defendant to Appear (and by Bench Warrant, if Necessary—As long as the Defendant is Given at Least 48 Hours of Notice before Issuance of that Warrant)
  - B. A Prior Securing Order can be Revoked, BUT—if the Defendant is Entitled to ROR, Non-Monetary Conditions of Release, or Bail, the Court MUST Issue another Securing Order (i.e., the Court may not just Remand the Defendant)
  - C. If the Defendant is NOT is Entitled to ROR, Non-Monetary Conditions of Release, or Bail, the Court can Issue a Securing Order or Commit the Defendant to the Custody of the Sheriff (and CPL §180.80 would still apply)

## II. CPL §530.60(2)

- A. Grounds for Revoking a Securing Order Exist if a Defendant is at Liberty on a Felony Charge and there's "Reasonable Cause to Believe" that the Defendant Committed a Class "A" Felony, or a Violent Felony, or Intimidated a Victim or Witness
- B. CPL §70.10(2): "Reasonable cause to believe that a person has committed an offense' exists when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that such offense was committed and that such person committed it. Except as otherwise provided in this chapter, such apparently reliable evidence may include or consist of hearsay."
- C. Grounds for Revoking a Securing Order Exist if a Defendant is at Liberty for an Offense and there is "Clear and Convincing Evidence" to Believe:
  - i. There has been a Persistent and Willful Failure to Appear after Defendant has been Given Notice of Scheduled Appearances; OR
  - ii. The Defendant has Violated an Order of Protection; OR
  - iii. The Defendant is charged with a Misdemeanor or Violation and then Intimidates or Tampers with a Witness; OR

- iv. The Defendant is charged with a Felony and Commits Another Felony
- D. “The clear and convincing evidence standard is satisfied when the party bearing the burden of proof has established that it is highly probable that what he or she has claimed is actually what happened” (Home Ins. Co. of Ind. v Karantonis, 156 AD2d 844, 845 [3d Dept 1989]; *see*, Green v William Penn Life Ins. Co. of N.Y., 12 NY3d 342, 347 [2009]; Murtagh v Murtagh, 217 AD2d 538, 539 [2d Dept 1995]; Matter of Jean P. v Roger Warren J., 184 AD2d 1072, 1072 [4th Dept 1992]; Matter of Penny MM. v Bruce MM., 118 AD2d 979 [3d Dept 1986])
- E. The Court MUST Hold a Hearing, and Shall Receive any Relevant, Admissible Evidence
- F. At that Hearing, the Defendant May Cross-Examine Witnesses and Present Relevant, Admissible Evidence in Their Own Behalf
- G. The District Attorney may present Grand Jury Testimony in Lieu of a Witness Testifying (an exception to what’s normally “admissible” evidence”)

### Surrender of Defendant

- I. CPL §530.80(1)
  - A. At any time Prior to Forfeiture of a Bail Bond, the Obligor can Surrender the Defendant to Exonerate the Bail Bond

B. At any time Prior to Forfeiture of a Bail Bond, the Defendant can Surrender themselves to Exonerate the Bail Bond

II. CPL §530.80(2)

A. For the Purpose of Surrendering a Defendant, an Obligor OR the Person who Posted Cash Bail for a Defendant May Take the Defendant into Custody Anywhere in New York State

B. OR, “by a written authority indorsed on a certified copy of the bail bond” an Obligor may Empower Any Person Over 20 Years of Age to do so

III. CPL §530.80(3)

A. At any time Prior to Forfeiture of Cash Bail, the Person who Posted the Cash Bail can Surrender the Defendant to Obtain a Return of the Money they Posted

B. At any time Prior to Forfeiture of a Cash Bail, the Defendant can Surrender themselves to Obtain the Release of the Money Posted on their Behalf

## EXHIBIT A

### Qualifying (i.e., Bail Eligible) Felony Offenses:

Aggravated Assault Upon a Police Officer or a Peace Officer, B violent felony, PL §120.11

Aggravated Criminal Contempt, D felony, PL §215.52

Aggravated Criminal Possession of a Weapon, C violent felony, PL §265.19

Aggravated Criminally Negligent Homicide, C violent felony, PL §125.11

Aggravated Enterprise Corruption, A-I felony, PL §460.22

Aggravated Manslaughter 1<sup>st</sup> Degree, B violent felony, PL §125.22

Aggravated Manslaughter 2<sup>nd</sup> Degree, C violent felony, PL §125.21

Aggravated Murder, A-I felony, PL §125.26

Aggravated Sexual Abuse 1<sup>st</sup> Degree, B violent felony, PL §130.70

Aggravated Sexual Abuse 2<sup>nd</sup> Degree, C violent felony, PL §130.67

Aggravated Sexual Abuse 3<sup>rd</sup> Degree, D violent felony, PL §130.66

Aggravated Sexual abuse 4<sup>th</sup> Degree, E violent felony, PL §130.65-a

Aggravated Unpermitted Use of Indoor Pyrotechnics 1<sup>st</sup> Degree, D violent felony, PL §405.18

Aggravated Assault Upon a Person Less than 11 Years Old, E felony PL §120.12

Aggravated Vehicular Assault, C felony PL §120.04

Arson 1<sup>st</sup> Degree, A-I felony, PL §150.20

Arson 2<sup>nd</sup> Degree, B violent felony, PL §150.15

Arson 3<sup>rd</sup> Degree, C felony PL §150.10

Assault 1<sup>st</sup> Degree, B violent felony, PL §120.10

Assault 2<sup>nd</sup> Degree, D violent felony, PL §120.05

Assault on a Judge, C violent felony, PL §120.09

Assault on a Peace officer, Police officer, Fireman or Emergency Medical Services Professional, C violent felony, PL §120.08

Attempt to Commit Class A-I Felonies of: Murder 1<sup>st</sup> Degree, Aggravated Murder, Criminal Possession of a Chemical or Biological Weapon 1<sup>st</sup> Degree, Criminal Use of a Chemical or Biological Weapon 1<sup>st</sup> Degree (still constitute A felonies)

Attempt to Commit Class A-I Felonies of: Murder 2<sup>nd</sup> Degree, Kidnapping 1<sup>st</sup> Degree, Arson 1<sup>st</sup> Degree (constitute B felonies)

Burglary 1<sup>st</sup> Degree, B violent felony, PL §140.30

Burglary 2<sup>nd</sup> Degree, C violent felony, PL §140.25

Conspiracy 1<sup>st</sup> Degree, A-I felony, PL §105.17

Conspiracy 2<sup>nd</sup> Degree, B felony PL §105.15

Course of Sexual Conduct Against a Child 1<sup>st</sup> Degree, B violent felony, PL §130.75

Course of Sexual Conduct Against a Child 2<sup>nd</sup> Degree, D violent felony, PL §130.80

Crime of Terrorism, *see*, PL §490.25

Criminal Contempt 1<sup>st</sup> Degree, E felony, PL §215.51

Criminal Manufacture, Sale, or Transport of an Undetectable Firearm, Rifle or Shotgun, D violent felony, PL §265.50

Criminal Possession of a Chemical Weapon or Biological Weapon 1<sup>st</sup> Degree, A-I felony, PL §490.45

Criminal Possession of a Chemical Weapon or Biological Weapon 2<sup>nd</sup> Degree, B violent felony, PL §490.40

Criminal Possession of a Chemical Weapon or Biological Weapon 3<sup>rd</sup> Degree, C violent felony, PL §490.37

Criminal Possession of a Weapon 1<sup>st</sup> Degree, B violent felony, PL §265.04

Criminal Possession of a Weapon 2<sup>nd</sup> Degree, C violent felony, PL §265.03

Criminal Possession of a Weapon 3<sup>rd</sup> Degree, D violent felony, PL §§265.02(5), (6), (7), (8), (9), (10)

Criminal Possession of a Weapon 3<sup>rd</sup> Degree (Attempted), PL §§265.02(5),(6),(7),(8) (is still a violent felony if it is a Lesser-Included Offense being pleaded to)

Criminal Possession of a Weapon on School Grounds, E felony, PL §265.01-a

Criminal Possession of a Firearm, E felony PL §265.01-b

Criminal Sale of a Firearm 1<sup>st</sup> Degree, B violent felony, PL §265.13

Criminal Sale of a Firearm 2<sup>nd</sup> Degree, C violent felony, PL §265.12

Criminal Sale of a Firearm 3<sup>rd</sup> Degree, D violent felony, PL §265.11

Criminal Sale of a Firearm with the Aid of a Minor, C violent felony, PL §265.14

Criminal Sexual Act 1<sup>st</sup> Degree, B violent felony, PL §130.50

Criminal Sexual Act 2<sup>nd</sup> Degree, D violent felony, PL §130.45

Criminal Use of a Chemical Weapon or Biological Weapon 1<sup>st</sup> Degree, A-I felony, PL §490.55

Criminal Use of a Chemical Weapon or Biological Weapon 2<sup>nd</sup> Degree, A-II felony, PL §490.50

Criminal Use of a Chemical Weapon or Biological Weapon 3<sup>rd</sup> Degree, B violent felony, PL §490.47

Criminal Use of a Firearm 1<sup>st</sup> Degree, B violent felony, PL §265.09

Criminal Use of a Firearm 2<sup>nd</sup> Degree, C violent felony, PL §265.08

Enterprise Corruption, B felony, PL §460.20

Facilitating a Sex Offense with a Controlled Substance, D violent felony, PL §130.90

Failure to Register as a Sex Offender, E felony, Corrections Law §168-t

Falsely Reporting an Incident 1<sup>st</sup> Degree, D violent felony, PL §240.60

Falsely Reporting an Incident 2<sup>nd</sup> Degree, E violent felony, PL §240.55

Gang Assault 1<sup>st</sup> Degree, B violent felony, PL §120.07

Gang Assault 2<sup>nd</sup> Degree, C violent felony, PL §120.06

Grand Larceny 1<sup>st</sup> Degree, B felony, PL §155.42

Hate Crimes, *see*, PL §485.05

Hindering Prosecution of Terrorism 1<sup>st</sup> Degree, B violent felony, PL §490.35

Hindering Prosecution of Terrorism 2<sup>nd</sup> Degree, C violent felony, PL §490.30



Incest 1<sup>st</sup> Degree, B violent felony, PL §255.27

Intimidating a Victim or Witness 1<sup>st</sup> Degree, B violent felony, PL §215.17

Intimidating a Victim or Witness 2<sup>nd</sup> Degree, D violent felony, PL §215.16

Intimidating a Victim or Witness 3<sup>rd</sup> Degree, E violent felony, PL §215.15

Kidnapping 1<sup>st</sup> Degree, A-I felony, PL §135.25

Kidnapping 2<sup>nd</sup> Degree, B violent felony, PL §135.20

Labor Trafficking, D violent felony, PL §135.35

Making a Terroristic Threat, D violent felony, PL §490.20

Manslaughter 1<sup>st</sup> Degree, B violent felony, PL §125.20

Menacing a Police Officer or Peace Officer, D violent felony, PL §120.18

Money Laundering 1<sup>st</sup> Degree, B felony, PL §470.20

Money Laundering in Support of Terrorism 1<sup>st</sup> Degree, B felony, PL §470.24

Money Laundering in Support of Terrorism 2<sup>nd</sup> Degree, C felony, PL §470.23

Money Laundering in Support of Terrorism 3<sup>rd</sup> Degree, D felony, PL §470.22

Money Laundering in Support of Terrorism 4<sup>th</sup> Degree, E felony, PL §470.21

Murder 1<sup>st</sup> Degree, A-I felony, PL §125.27

Murder 2<sup>nd</sup> Degree, A-I felony, PL §125.25

Operating as a Major Trafficker, A-1 felony, PL §220.77

Persistent Felony Offense (no jurisdiction for Local Court to set bail based upon two [2] prior felony convictions)

Persistent Sexual Abuse, E violent felony, PL §130.53

Placing a False Bomb or Hazardous Substance 1<sup>st</sup> Degree, D violent felony, PL §240.62

Placing a False Bomb or Hazardous Substance 2<sup>nd</sup> Degree, D violent felony, PL §240.62

Placing a False Bomb or Hazardous Substance in a Sports Stadium or Arena, Mass Transportation Facility or Enclosed Shopping Mall, D violent felony, PL §240.63

Predatory Sexual Assault, A-II felony, PL §130.95

Predatory Sexual Assault Against a Child, A-II felony, PL §130.96

Rape 1<sup>st</sup> Degree, B violent felony, PL §130.35

Rape 2<sup>nd</sup> Degree, D violent felony, PL §130.30

Reckless Assault of a Child, D violent felony, PL §120.02

Robbery 1<sup>st</sup> Degree, B violent felony, PL §160.15

Sex Trafficking, B felony, PL §230.34

Sex Trafficking of a Child, B felony (PL §230.34-a)

Sexual Abuse 1<sup>st</sup> Degree, D violent felony, PL §130.65

Sexually Motivated Felonies, *see*, PL §130.91

Soliciting or Providing Support for an Act of Terrorism 1<sup>st</sup> Degree, C violent felony, PL §490.15

Soliciting or Providing Support for an Act of Terrorism 2<sup>nd</sup> Degree, D violent felony, PL §490.10

Stalking 1<sup>st</sup> Degree, D violent felony, PL §120.60

Strangulation 1<sup>st</sup> Degree, C violent felony, PL §121.13

Strangulation 2<sup>nd</sup> Degree, D violent felony, PL §121.12

Tampering with a Witness 1<sup>st</sup> Degree, B violent felony, PL §215.13

Tampering with a Witness 2<sup>nd</sup> Degree, D violent felony, PL §215.12

Tampering with a Witness 3<sup>rd</sup> Degree, E violent felony, PL §215.11

Vehicular Assault 1<sup>st</sup> Degree, D felony, PL §120.04

Qualifying (i.e., Bail Eligible) Misdemeanor Offenses:

Assault 3<sup>rd</sup> Degree, A misdemeanor PL §120.00

Criminal Contempt 2<sup>nd</sup> Degree, A misdemeanor, PL §215.50

Criminal Obstruction of Breathing or Blood Circulation, A misdemeanor, PL §121.21

Endangering the Welfare of a Child, A misdemeanor, PL §260.10

Also:

Any Offense Committed While Serving a Sentence of Probation

Any Felony or Class A Misdemeanor involving Harm to an Identifiable Person or Property

Bail Jumping Crimes