

Appearance Ticket Amendment

1 AN ACT to amend the criminal procedure law, in relation to the issuance of appearance tickets.

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

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5 Section 1. § 1-a.Subdivision 1 of section 150.20 of the criminal procedure law, as amended by
6 chapter 550 of the laws of 1987, is amended to read as follows:

7 § 150.20 Appearance ticket; when and by whom issuable.

8 1. (a) Whenever a police officer is authorized pursuant to section 140.10 of this title to arrest a
9 person without a warrant for an offense other than a class A, B, C or D felony or a violation of
10 section 130.25, 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, he shall, except as set
11 out in paragraph (b) of this subdivision, subject to the provisions of subdivisions three and four of
12 section 150.40 of this Title, instead issue to and serve upon such person an appearance ticket.

13 Nothing in this section shall prevent a police officer from issuing an appearance ticket at the police
14 station house.

15 (b) An officer is not required to issue an appearance ticket if:

16 (i) the person has one or more outstanding local criminal court or Superior court warrants

17 (ii) the person has failed to appear in court proceedings in the last two years;

18 (iii) the person has received an appearance ticket in the prior eighteen months, exclusive of time
19 spent in jail or prison;

20 ~~(iii)~~ (iv) the person has been given a reasonable opportunity to make their verifiable identity and
21 a method of contact known, and has been unable or unwilling to do so, so that a custodial arrest
22 is necessary to subject the individual to the jurisdiction of the court. For the purposes of this
23 section, an officer may rely on various factors to determine a person's identity, including but not
24 limited to personal knowledge of such person, such person's self-identification, or photographic
25 identification. There is no requirement that a person present photographic identification in order
26 to be issued an appearance ticket in lieu of arrest where the person's identity is otherwise verifiable;
27 however, if offered by such person, an officer shall accept as evidence of identity the following:
28 a valid driver's license or non-driver identification card issued by the commissioner of motor
29 vehicles, the federal government, any United States territory, commonwealth or possession,
30 the District of Columbia, a state government ~~[or municipal government]~~ within the United States
31 or a provincial government of the dominion of Canada; a valid passport issued by the United

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1 States government, ~~[or any other country;]~~ an identification card issued by the armed forces of
2 the United States; a public benefit card, as defined in paragraph (a) of subdivision one of section
3 158.00 of the penal law. Police departments have the discretion to accept alternative forms of
4 identification, including but not limited to, passports issued by a foreign government and non-
5 driver identifications issued by a municipal government;

6 ~~(iv)~~ (v) the person is charged with a crime between members of the same family or household, as
7 defined in subdivision one of section 530.11 of this chapter;

8 ~~(vi)~~ (i) the person is charged with a crime defined in article 130 of the penal law;

9 (vii) the person is charged with criminal possession of a weapon in the fourth degree as defined
10 section 265.01 of the penal law, criminal possession of a firearm as defined in section 265.01-a of
11 the penal law, or criminal possession of a weapon on school grounds as defined section 265.01-b
12 of the penal law;

13 (viii) the person is charged with arson in the fourth degree as defined in section 150.05 of the
14 penal law or arson in the fifth degree as defined in section 150.01 of the penal law.

15 (ix) the person is charged with criminally negligent homicide as defined section 125.10 of the
16 penal law;

17 (x) the person is charged with a crime of menacing as defined article 120.14 of the penal law,
18 when the person is alleged to have used a deadly weapon or dangerous instrument;

19 (xi) the person is charged with public lewdness as defined in section 245.00 of the penal law
20 and public lewdness in the first degree as defined in section 245.03 of the penal law;

21 (xii) the person is charged with riot in the first degree as defined in section 240.06 of the penal
22 law, and riot in the second degree as defined in section 240.05 of the penal law;

23 (xiii) the person is charged with tampering with physical evidence as defined in section 215.40
24 of the penal law;

25 (xiv) the person is charged with resisting arrest as defined in section 205.30 of the penal law;

26 (xv) the person is charged with a hate crime as that is defined in article 485.05 of the penal law;

27 (xvi) the person is charged with money laundering in support of terrorism in the fourth degree
28 as defined in section 470.21 of the penal law;

29 (xvii) the person is charged with any crime that endangers the safety of the public.

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1 (xviii) the person has committed a crime against a person or employee while in any train, bus
2 and facility operated by the Metropolitan Transportation Authority and the Port Authority of New
3 York and New Jersey for the purpose of providing public transportation.

4 (~~vii~~xix) it reasonably appears the person should be brought before the court for consideration
5 of issuance of an order of protection, pursuant to section 530.13 of this chapter, based on the facts
6 of the crime or offense that the officer has reasonable cause to believe occurred;

7 (~~viii~~xx) the person is charged with a crime for which the court may suspend or revoke his
8 or her driver license;

9 (~~viii~~xxi) it reasonably appears to the officer, based on the observed behavior of the
10 individual in the present contact with the officer and facts regarding the person's condition that
11 indicates a sign of distress to such a degree that the person would face harm without immediate
12 medical or mental health care, that bringing the person before the court would be in such person's
13 interest in addressing that need; provided, however, that before making the arrest, the officer
14 shall make all reasonable efforts to assist the person in securing appropriate services.

15 (xxii) the person is charged with a crime for which a judge could remand the person to the
16 custody of the sheriff.