



Memorandum in Support

NYSBA # 53

June 3, 2026

A.10024

S.8944

By: M. of A. Romero

By: Senator Myrie

Senate Committee: PASSED

Assembly Committee: Rules

Effective Date: This act shall take effect immediately and shall apply to pleas entered and sentences imposed on or after such date.

AN ACT to amend the criminal procedure law, in relation to certain guilty pleas.

LAW & SECTION REFERRED TO: The legislation would amend §§220.10 & 220.30.

THE NEW YORK STATE BAR ASSOCIATION SUPPORTS THIS LEGISLATION

The New York State Bar Association's Task Force on the New York Criminal Procedure Law ("Task Force") was appointed in the Summer of 2024 by President Domenick Napoletano to review whether provisions of the Criminal Procedure Law are outdated, inconsistent with practice, or in need of revision either by inclusion of governing interpretations of decisional law, by updating a provision to accord with current and sound practice, or by amending or adding provisions to allow for a better understanding and practice of the law. This bill reflects one of the recommendations by the Task Force, adopted in the [Report of the New York State Bar Association Task Force on the New York Criminal Procedure Law](#), approved by NYSBA's House of Delegates on January 16, 2026.

Specifically, this bill would authorize a defendant, with the permission of the court and the consent of the People, to plead guilty to a lesser included offense notwithstanding a statutory restriction on a plea to the lesser included offense when upon review of the nature and circumstances of the criminal conduct, the available evidence and the history and character of the defendant, the prosecutor and the court are of the opinion that the plea is in the interest of justice.

CPL 220.10 and 220.30 contain restrictions on the lesser included offense for a defendant, other than an adolescent offender. The restrictions on juvenile offenders are geared to the offenses a juvenile offender would be criminally liable for and in turn those offenses that would require removal to Family Court. The restrictions originated with the Rockefeller drug laws in order to prevent having defendants plea to a lesser included offense (whether warranted or not on the facts of a given case) to avoid a particular sentence for the charged crime or the limited lesser included offense. While a prosecutor and a court may engage in varying methods to bypass the law and its

intent, a prosecutor or court, while favoring a lesser plea, may not agree that the law may be bypassed or that the recommended means is authorized by law. Neither the prosecutor nor the court should be required to engage in varying strategies to bypass the restrictions that are not expressly authorized.

Based on the foregoing, the New York State Bar Association SUPPORTS this bill and urges its adoption.