

New York City Arraignment Guide

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This guide is intended for members of the public who have an interest in the New York City Criminal Court Arraignment Process. Anyone in that category may download this free guide, copy it, email it, and use it for any **non commercial purpose**.

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1. Introduction

New York City Arraignments can be a bewildering process for newcomers. It is often a 24 hour (or longer) process in which a loved one seems literally to disappear off the face of the earth. Information is hard to come by. Reliable information is even harder to come by. Confusion, fear, and worry consume relatives and loved ones. Attempting to penetrate the bureaucracy of the police department or the courts can be extremely frustrating and demoralizing. So where do you turn for reliable, accurate information?

This guide should answer many of your questions. You will learn about the arraignment, what it is, and perhaps more important, what it is NOT. You will learn to understand the arraignment process, step by step, what matters, and what doesn't. You will learn about bail and bail bonds. And you will even be able to gain some insight into the seriousness of the arrest charges using the sentencing assistant and chart of most New York Crimes located at the end of this guide.

I have written this guide in a simple, straightforward, easy-to-understand format, with as little legal language as possible. Where it is important to understand certain legal concepts, I explain those concepts in everyday language. I mean this guide to describe the arraignment process as it is in New York City, not as it should be, not as it is supposed to be.

Sometimes in the 24 hour arrest to arraignment process in New York City the only thing loved ones can do is wait, and I know this is frustrating. Perhaps this guide will make the wait more tolerable by helping you understand what is happening and why.

This guide is an updated and edited version of a series of articles I have written over the years for a variety of sites on the World Wide Web. I hope you find it helpful.

Don Murray
September, 2006

2. What an arraignment is NOT

Sometimes people are fooled into believing that because an arraignment happens in a courtroom with a judge, prosecutor, and defense attorney that an arraignment is somehow a trial or hearing. This is not the case. Sometimes it is easier, then, to consider what an arraignment IS NOT before you try to figure out what it IS.

- An arraignment is not a trial or a hearing.
- No witnesses are called at an arraignment.
- No evidence is heard at an arraignment.
- The police officer need not appear for arraignment.
- The complaining witness need not appear for arraignment.
- The guilt or innocence of the person accused is NOT decided at arraignment.
- The accused will usually not even be asked to speak (the lawyer speaks on his behalf).

3. What is an arraignment?

From the accused's point of view, an arraignment is really about one thing, and one thing only - whether or not the judge will set bail, and if so, how much. OK that's really two things. But the point is that although other things happen at an arraignment, the most obvious and significant thing is the decision to set or not set bail.

If the judge doesn't set bail, that is called "release on recognizance" or ROR for short. Someone who is ROR'd is released simply on his promise that he will return to court on the date set by the judge.

If the judge does set bail, the accused is held in jail until one of the following things happens:

- The case is over
- Someone makes the bail by giving New York City the amount of money to hold until the case is over.
- The bail is reduced by another judge (and then paid)
- If the case is a misdemeanor, the case is not "converted" to an information within 5 days of the arraignment (meaning in most cases that the complaining witness has signed the complaint or the lab report is filed in drug cases)
- If the case is a felony, the case is not formally indicted within either the statutory 188 hour (6 day) period or whatever "waiver" period is set at arraignment

If someone "makes bail" but fails to return to court when told to do so by the judge, New York City gets to keep the money (and the police start looking for the person). Bail bond companies will (for a fee) agree to post larger bail amounts for you, but the fees that you pay them will never be returned to you. Their fee is the cost of them being willing to put up the full bail amount and take the risk that the accused will return to court. If a bail bond company posts a bail bond and the accused fails to appear, New York City will take the amount of the bond from the bail bond company.

If the bail is so high that friends and family can't make it, and the friends and family also can't afford a bail bond, the accused could stay in jail for as long as it takes to work the case out. If it will take one year to get the case ready for trial, then the person will remain in jail for one year.

Also at the arraignment, the accused will be informed (through his criminal defense lawyer) of the precise charges against him. Often times the police will exaggerate or understate the actual charges against a person during the arrest to arraignment process. Some officers, it seems, appear to delight in providing misinformation to the people they arrest. People who are ultimately accused of B felonies for which they face 8 1/3 to 25 years in prison are often told, for example, that they are simply being arrested for a misdemeanor or that it will be no big deal. Sometimes people who ultimately are charged with misdemeanors are told that they are being charged with ultra-serious felonies for which they face decades in jail.

Arraignments offer the accused the opportunity to hear the truth about the charges from a source they can trust. The bottom line is that an accused should never believe anything a police officer tells him in the time period from arrest to arraignment. The incredible level of misinformation and downright lies told to people accused of crimes before they meet with their lawyers for the first time is frankly astounding.

4. An Arraignment Step by Step

1. Calling of the case - the "bridge officer" or the court officer whose job it is to organize and call the cases into the calendar will announce the case usually by calling out the docket number and then the name of the accused like "People against John Smith".
2. Once the case is called in the police will bring the accused out from behind the courtroom to the place in front of the judge where they have the defendants stand. The defense attorney will be standing next to the defendant and the prosecutor will be standing off to either the right or the left depending on the custom of the county. Everyone will be facing the judge.

3. The bridge officer will then usually ask the defense lawyer whether he "waives the reading" to which custom in New York City makes the answer "yes." The defense lawyer has the power to force a detailed public reading of the accusations, but tradition in New York City is that such a public reading is dispensed with in favor of simply getting on with it. A refusal to waive the reading is considered a serious breach of etiquette.

4. The judge will then usually take a minute or so to review the file and then ask the prosecutor for "notices". This is the signal for the prosecutor to provide certain required formal notices that may be required by law or custom at the arraignment. These notices can take a number of different forms. The defense lawyer may return some "cross" notices in a seemingly confusing exchange of paperwork.

5. At the arraignment the prosecutor will also announce certain notices that are commonly given at arraignments about certain types of evidence that might exist in a particular case. Although in most cases, these notices are required within 15 days of arraignment, they are provided by custom in New York City at the time of the arraignment. The most common form of notices are as follows:

710.30(1)(a)

If you hear that "Seven-Ten-Thirty-One-A" notice is being served, that means that the police are claiming that the defendant has made some form of statement during the arrest to arraignment process that the prosecutor intends to use at trial (if there ever is a trial). The statement can take any form. It might be written, it might be spoken (oral), it might be both, and it might or might not be recorded. Once providing the notice, the prosecutor will usually summarize the statement down to its most damaging core. For example, a ten page written confession may be summarized to the judge with "I shot the guy in the back because I hated him." If the statement is written, the prosecutor will hand a copy of it to the defense lawyer at the arraignment. If the statement is on video the defense lawyer will usually be able to get a copy of it shortly after arraignment.

Realize that statement notice is not read to the judge in order to alert the judge to the accused's cooperative attitude with police. The prosecutor reads the statement to the judge to alert the judge to set higher bail than might have been set otherwise. Usually, a statement from an accused is something that makes the prosecution's case better.

710.30(1)(b)

If you hear that "Seven-Ten-Thirty-One-B" notice is being served, that means that the police conducted some kind of identification procedure as part of their investigation of the case. Although the law recognizes a few different kinds of identification procedures, the all-time classic identification procedure is the line-up. A line-up is a police arranged process in which a suspect is placed among a group of people with somewhat similar appearances. The crime victim then is asked to view the people from behind a window in another room in an effort to test his ability to identify the criminal. When the police conduct a line-up, the prosecutors are required to inform the defense lawyer. The lawyer can then, if he chooses, make inquiry about the fairness of the procedure. Other types of identification procedures are "show-ups" where a suspect is detained on the street shortly after the crime was committed and held for the victim to immediately make an identification (or not).

190.50

If you hear that "One-Ninety-Fifty" notice is being served, that means that the case is a felony and the prosecutor is simply notifying the defense lawyer that the case will eventually be scheduled to be presented to a Grand Jury. The Grand Jury presentation, if it ever happens, will not happen on that day. You will likely hear the defense lawyer serve "CROSS-One-Ninety-Fifty" notice which means simply that the defense lawyer is reserving the defendant's right to testify before the Grand Jury. It doesn't mean the defendant **MUST** testify before the Grand Jury, but simply that, out of an abundance of caution, the defense lawyer wants to keep the option open. It is custom in New York City for defense lawyers to file this "CROSS" notice purely as a means to keep the option open even in cases in which they believe the likelihood of the defendant actually testifying in the Grand Jury to be extremely low.

450.10

If you hear that "Four-Fifty-Ten" property release notice is being served, that means that the prosecutor is intending to release certain property that was recovered to an owner and that the defense lawyer must inspect the property soon or lose the chance. For example, a person accused of shoplifting might have had some property belonging to a store in his pocket when he was arrested. The prosecutor will typically seek to return this property to the store rather than keep it as evidence for a year or so.

After the scurrying around with paperwork is completed, the judge will ask the prosecutor to make a statement with respect to bail. This is the prosecutor's chance to tell the judge whether or not he thinks bail should be set, how much he thinks the bail should be, and a brief (usually very brief) description of the case.

Do not be alarmed if the defense lawyer doesn't jump up and object or complain during this speech. Everyone gets a chance to speak uninterrupted.

6. After the prosecutor is finished, assuming that bail is requested, the judge will ask the defense lawyer to say something in response. This is the defense lawyer's chance to challenge statements made by the prosecutor or add information that the prosecutor may have left out. In this argument the defense lawyer may request outright release, or if that seems unlikely, an amount of bail more likely to be made by the defendant or his family.
7. Finally, after hearing once from both sides, the judge will make his decision about bail and the arraignment is over.
8. If bail is set the police will escort the defendant back into the cells behind the courtroom ("the pens") and the defendant will remain in jail until the bail is posted. If the judge releases the defendant, he will then be permitted to leave the courtroom out the door. In some cases, the defendant will need to stay for a short time in the court and wait for various documents, like an order of protection.

NOTE: In some minor cases, the prosecutor, the defense lawyer and the judge may briefly discuss the possibility of resolving the case there and then. Drinking in public cases, for example, can often be resolved at the arraignment.

Be aware that all of the above 8 steps will usually take place in about 3 minutes or less depending on the nature of the case. Five minutes for one arraignment is a fairly long time. Fifteen minutes for an arraignment is a downright eternity. When you carefully consider what is required to be accomplished at an arraignment, as long as everyone involved is highly experienced, it is not as outrageous as it sounds.

Experienced lawyers and judges are adept at evaluating cases and presenting the most relevant persuasive arguments in an extremely tight package. There is an entire vocabulary of arraignments that is lost on those who are not experienced even if they were to read the transcript. This is why watching arraignments in New York City can sometimes be a mystifying experience for the uninitiated. They are fast, filled with legal jargon, and often frustrating for family members.

5. How Judges Decide Bail

Judges typically make the decision based on a few major factors. No one particular factor will decide the issue.

Seriousness of the Charges (more serious is worse)

The more serious the charges against a person, the more likely it is that bail will be set.

For example, a person who is charged with drinking beer in public is not as likely to have bail set as someone charged with armed robbery.

Some charges are so serious, in fact, that no bail at all will be set. A person who is **remanded** is someone who has had no bail set. Custom in NYC is that people accused of "A" felony crimes are frequently remanded in arraignment. "A" felony crimes include murder, some kidnapping charges, some arson charges, and high-level drug possession and sale charges. These charges are so serious that if an accused is actually convicted, he faces life in prison.

Prior Criminal History (bad)

A person with a criminal history is more likely to have some bail set than someone with no criminal history. Certainly, the number of prior criminal convictions, the seriousness of the criminal convictions, the recency of the criminal convictions, and the similarity of the criminal convictions to the current charge are all things the judge will consider.

For example, the person who has a prior misdemeanor conviction from 20 years ago is in a better position than a person with a felony conviction from last month.

Be aware that not having any criminal history stops meaning a great deal as the seriousness of the crime increases. A person accused of shoplifting will quite rightly have the argument for release that he has no prior convictions. A person accused of intentional murder, however, is not likely going to get an enormous amount of mileage out of the fact that he has no prior criminal history.

Prior Warrants (very bad)

A person who not only has prior convictions but also has had bench warrants issued on those cases is quite likely to have some bail set.

Understand that the existence of a warrant on the rap sheet doesn't necessarily mean that the warrant is OPEN. It may have been taken care of. The reason judges are concerned with prior warrants, however, is that the **entire issue of bail** is about whether or not a warrant will ever have to be issued. If a person has failed to return to court when he was supposed to in the past, judges take this to mean that bail may be necessary to make sure the person returns.

In some cases, warrants are issued in error, or for silly reasons that are resolved in court to everyone's satisfaction. Unfortunately, the rap sheet doesn't indicate "silly

reason", it simply notes the warrant. If there is some legitimate explanation for a warrant having previously been issued, the accused should make a point to explain this to the lawyer at arraignment.

Ties to the Community (good)

If an accused has significant ties to the community he is less likely to have bail set or at least likely to have a smaller amount of bail set. Ties to the community come in many forms but judges typically respond well to the following:

- owns a home or other property in the community
- employed full-time at a steady job
- long-time residence in the same location in the community
- family in the community
- united states citizen
- family and friends in the courtroom for the arraignment
- the making of the effort to hire a private lawyer is sometimes considered evidence that a defendant has a stake in sticking around and answering the charges
- voluntarily surrendering at the request of the police is also considered powerful evidence of a defendant's willingness to answer the charges

The Criminal Justice Agency (neutral)

The Criminal Justice Agency (**CJA**) interviews each person who comes through the system and makes a recommendation with respect to release as to each one. Judges are not bound by these recommendations and there is considerable debate as to whether the CJA recommendation is a significant factor to judges. It certainly can't hurt to obtain the "Recommended" approval from CJA, but don't expect such a recommendation to be anything even close to a guarantee.

7. Arraignment Players

The Judge

People need to realize that the judge in the arraignment part is quite likely never going to see the individual people he arraigns ever again. From a purely practical standpoint, the judge at the arraignment is usually not terribly interested in any particular case beyond what is absolutely necessary to accomplish the arraignment. The judge is not terribly interested in getting to the bottom of the case, is not terribly interested in investigating the case or hearing evidence on the case. The judge is going to have to do between 80 - 100 arraignments in his shift and is keenly aware that it is simply impossible to become involved in them deeply - nor is it his job to become involved in them deeply.

Therefore, you should not imagine that the 24 hours of hell that the accused has been through will somehow be vindicated once the judge finds out about the outrage of his arrest.

Judges' unwillingness to become deeply involved in cases at arraignments is not a flaw. Rather it is simply a measure of the reality of the limited scope of his job at the arraignment.

Judges trade off doing arraignments. Most of them don't particularly care for arraignments although some enjoy the fact that they are in a position to make important decisions that genuinely influence the path of a case. To many, however, it is something of a grind.

They vary widely in their attitudes about bail. Whether or not bail is set and if so, how much will in many cases entirely depend on the judge who happens to be sitting in the arraignment courtroom at the moment the defendant comes through. Some judges seem to set bail on nearly everything no matter what. Others tend to release a lot of people.

The reasons for these differences are as varying as people themselves. Judges are given a wide degree of discretion when setting bail.

The Prosecutor

Also do not imagine that the prosecutor who handles the arraignment has more than a passing familiarity or interest in any particular case. In most cases, arraignments are handled by a junior assistant (and possibly an experienced supervisor) who will never see the case again.

The Defense Lawyer

Do not underestimate the importance of having the lawyer you want at the arraignment if possible. An enormous amount can be learned about a case by doing the arraignment, and the importance of the issue of bail can not be underestimated. The arraignment may seem like a few minutes, but those few minutes can be among the most important few minutes of the entire case.

7. The Queens County Waiver Policy

A number of years ago, the Queens County District Attorney's Office started a new policy that was meant to "encourage" those who would eventually plead guilty in felony cases to plead guilty sooner. This policy has a direct impact on arraignments in Queens County.

Very generally, the policy requires any person charged with a felony in Queens to sign a written document at their arraignment temporarily waiving certain time requirements imposed on the prosecutors by the current law.

Accused defendants who refuse to sign the waiver are denied the opportunity to plea bargain and their cases are immediately presented to Grand Juries.

As a result of rigid and harsh sentencing guidelines imposed by the Legislature, failure to sign the waiver in a case in which it would be advisable can be a devastating mistake.

The nuances of the waiver decision could form the subject of an entire Continuing Legal Education Course for criminal defense lawyers (and therein is one of the difficulties of attempting to explain to someone who has been awake for 24 hours in the arrest to arraignment process).

Although of course there is no "one size fits all rule" with respect to the decision of "to sign or not to sign", a person who wanted to know the statistics would probably find out that the vast majority (probably on the order of 95%) of defendants sign the waiver (for better or worse).

In any event, the decision of "to sign or not to sign" is one that needs to be made based upon careful consideration with the lawyer and is a decision in which clients need to be extremely sure of themselves before they disregard the advice of their lawyer.

8. Should I Hire a Lawyer for Arraignments?

Yes, if you can. At the arraignment the judge will make a decision that may well have lasting implications in the case. It makes sense, then, to have the lawyer who will be with the case later on, make the argument at the arraignment. Sometimes, a great deal can be learned about the case informally at the arraignment.

In Queens, defendants charged with felonies will be called upon to make a legal decision that may have devastating consequences if they make the wrong decision. Therefore it makes even more sense to have your lawyer of choice there to help make this decision.

Hiring a lawyer and having a lawyer with you during the arrest to arraignment process can sometimes ease the stress on friends and family. Experienced criminal defense lawyers will usually be able to speak with the police and court staff in short order and be in a position to obtain reliable information about the nature of the charges, and the status of the accused in "the system". The lawyer can then explain this information and its implications to the accused.

If a lawyer is retained soon enough in the process, the lawyer might even be in a position to stop the police from interrogating the accused or even participate in any line-up.

If you do not hire a private lawyer before the arraignment, the accused *will be represented by an appointed lawyer* staffing the arraignment courtroom. The appointed lawyers in arraignments, however, will not be in a position to monitor individual cases as they make their way through the arrest to arraignment process.

The appointed lawyers will receive word of any given case only at the last minute once the accused has been fully processed by the police and court staff and the court papers have been formally generated.

The appointed lawyers staffing the arraignment courtrooms are often quite knowledgeable and helpful to those in the audience who have questions about relatives or friends who are making their way through the system, but the appointed lawyers are often quite busy interviewing other people who are "court ready". They will generally not be in a position to provide detailed, specific assistance to family and friends of anyone who is not "court ready".

One of the key advantages to having a private criminal defense lawyer for the arraignment, then, is from the perspective of friends and family who can have the process explained and monitored for them by the experienced lawyer. Having an experienced advocate available to interact with the police and court staff can be extremely soothing for friends and family. People who are unfamiliar with the process especially can have exaggerated ideas about what is going to happen to their loved ones and can benefit greatly from calm, rational explanations of the reality of the process.

To the extent that the lawyer is able to communicate with the accused during the arraignment process, the accused can also be provided accurate, reliable information about his situation. Information about his situation that comes from the police officer who arrested him is often **extremely unreliable**.

Finally, most experienced criminal defense lawyers realize that the earlier they become involved in any given case, the more they can do to protect their clients. In many cases, the police are able to obtain damaging statements from defendants long before the arraignment. If the attorney is involved soon enough, he can make it difficult if not impossible for the police legally to question the defendant.

9. Bail and Bail Bonds

People unfamiliar with the criminal justice process are often confused about what to do when a judge sets bail on a friend or family member, or even what the bail amounts mean. What follows should be of some help in figuring it all out.

What is cash bail?

Cash bail is simply the amount of cash that you must present to any jail in New York City (24 hours a day) in order to obtain the release of the accused while his case progresses. The good news is, that as long as the accused makes all of his court appearances, you will get all (or nearly all) of your money back. The city, never missing an opportunity to capture some revenue, keeps a piece of the action.

What is a bail bond?

A bail bond is a promise by a special company like an insurance company to pay the city the amount of the bond if the accused fails to come back to court. When a bail bond company agrees to post a bond for an accused, they are agreeing to guarantee his presence in court.

The good news with a bail bond is that bail bond companies are often times willing to post substantial bail bonds for people for far less than 100 % of the bond. In fact, most bail bondsmen will write bonds for about 10% of the value of the bond. For example, if the bond is written for \$15,000, you could probably find a bondsman who would only charge you about \$1500. They will typically require, however, that you post additional cash for them to hold, and will require that a number of people guarantee to reimburse them if the accused fails to return and they lose the bond amount.

The bad news with a bail bond, is that, unlike with cash bail, you will not get the money you put down back. The money you give the bail bondsman is the fee he charges to write the bond. You will get back any additional security the bondsman requires, but that fee is gone forever.

Where can I find a New York Bail Bondsman?

You can find a licensed New York City Bail Bondsman right now by calling **1-800-224-5937**.

How will I know what the bail is at the arraignment?

Toward the end of the arraignment, after the prosecutor and the defense lawyer have made their arguments, the judge may say a few words and then finish with the phrase (or something like it) "Bail is \$2500 over \$1500" or "\$2500 A or B". This is the most typical way of setting bail.

The two types of bail the judge is referring to are the two most common forms of bail -- cash or insurance company bail bond (or more simply bail bond).

In what ways can bail be paid?

According to the Department of Corrections web site: the New York City Department of Corrections will accept the following forms of cash bail:

- United States cash **for the full amount**
- Cashier's/Tellers' checks, in **any amount not greater than the bail amount**
- Bank money order, **up to \$1000**
- Federal Express money order, **up to \$1000**
- U.S. Postal money order, **up to \$1000**
- Travelers Express Company money order, **up to \$1000**
- Western Union money order, **up to \$1000**
- Check issued by the city Finance Administrator for a bail refund. (There is no \$1000 maximum but **the check must not exceed the amount of the new bail.**)
- Veterans Administration Check **up to \$1000**
- U.S. Government checks, **up to \$1,000**
- Cash in combination with any of the above for the total amount of the bail

NOTE: The \$1000 limits noted above apply to an individual instrument only. They are not meant to prohibit multiple instruments. **For example, the City will accept FIVE bank money orders for \$1000 each in payment for a \$5000 bail.** The total of the checks, however, must not exceed the amount of the bail.

Where can I post cash bail to get someone out?

According to the Department of Corrections web site:

Checks or money orders meeting the requirements listed above can be presented at any Department of Corrections jail, regardless where the inmate is housed, provided they are made out to the jail at which they are presented.

Only the jail named on the check/money order can accept them in payment of the bail. Checks or money orders made out to the Department of Correction or to a jail other than the one at which they are presented will not be accepted.

The person posting bail must present personal identification and must provide the New York State Identification (NYSID) Number of the person to be bailed. (Be sure to get this information from the attorney who handles the arraignment).

What about putting up a piece of property?

Another form of bail can involve presenting a piece of property to the city. This form of bail usually comes up in cases in which the bail is extraordinarily high. Typically, it will not be initially set at the arraignment, but will be requested by an attorney by way of writ or negotiation with the prosecutor and consent of a judge.

The property will sometimes be required to have double the equity of the amount of the bail. For example, if the bail is \$50,000, the property will have to have \$100,000.

What if the judge sets cash only bail?

Judges usually set two forms of bail at arraignment. There is some authority that judges are required to set at least two forms of bail at arraignment, although many judges these days disagree and will set CASH ONLY bail.

If the judge at arraignments sets CASH ONLY bail, then the only way to bail out the accused is to post the full amount of the bail with the city. If the judge sets CASH ONLY bail, then you cannot go to a bail bondsman to get the accused out of jail. Because the law is fairly clear that CASH ONLY bail is usually improper, a lawyer can take a writ of habeas corpus and essentially "appeal" the setting of only one form of bail. Writs in these circumstances are often successful, but represent a delay of 1 to 3 days or more before they can be heard.

When judges set a bond amount as well as a cash amount, you will often find that the bond amount is significantly higher than the cash amount. That's because judges are aware of how bail bonds work. They know that bail bondsmen will write bonds for considerably less up front than the full amount of the bond. Therefore, many judges will set the bond amount at a level where the amount of the cash alternative will be about the amount a bail bondsman would require anyway.

For example, if the cash bail amount is \$5000, the bond amount that would be set might be between \$10,000 and \$15,000. Although the bond fee might be considerably less than \$5000, most bondsmen would probably want about \$5000 in cash to hold until the conclusion of the case.

Should you bail someone out?

The first principle, before all others, is that, if possible, you probably ought to make bail or bond for someone you care about who is in jail as soon as possible.

This may sound obvious, but there are circumstances when friends and family members may be angry at the accused for having gotten himself into a bad situation, probably against the advice of friends or family to begin with. Occasionally friends and family may be under the mistaken impression that delaying the bail-out process will teach some kind of lesson.

Well-meaning frustrated parents often fall into the trap of "It might wake him up to spend some time in jail". Parents who want to teach with tough love are probably

better off bailing the child out and attempting just about anything else to teach the child a lesson. Drive him up to the top of a tall mountain and make him hike home with a 50 pound backpack. Jail is a **horrible brutal incredibly dangerous place**.

How much is bail going to be?

This is a difficult question because the amount of bail on a given case can vary widely from judge to judge or depend simply on the judge's mood on a particular day. Nevertheless, there are certain very broad, very general rules of thumb.

Please do not hold me to these estimates. Please realize that I am attempting to help with information, not guarantee particular outcomes in specific cases. If the bail in a particular case varies significantly from the estimates that follow, please do not take this to mean that the bail set was illegal, excessive, too little, evidence that the judge was wrong, or evidence that I ought to know better. **Bail varies widely from judge to judge.**

That being said, there are certain general guidelines that can be expected.

Misdemeanor Case General Guidelines

Range = \$0 - \$5000: With some exceptions, first arrest misdemeanor cases can probably bet on a much lower range with a fairly decent expectation of \$0 or ROR. For those with prior criminal histories, it is still possible to obtain ROR but it becomes increasingly unlikely as the number of prior cases increases. Bail beyond \$5000 for a misdemeanor is extremely rare. If you want to be prepared to make bail right at the arraignment immediately, and you can afford it, you might want to have \$1500 in cash available (assuming you are comfortable carrying this amount of money in court). That should be sufficient to handle most circumstances where the charges are solely misdemeanors.

Felony Case General Guidelines

Felonies are more difficult to suggest general guidelines because some felonies are far more serious than others.

For the most serious felonies, (**A felonies**) judges often refuse to set any bail at all. This is called REMAND. Occasionally judges can be convinced to set some bail on such cases, but it will be astonishingly high (for example, \$250,000). Most of the time, however, judges simply REMAND people accused of A felonies.

Judges can occasionally be convinced to release people charged with less serious felonies without any bail at all or on what might be considered "misdemeanor" bail.

Robbery and Assault (felony) cases will often generate bail in the range of \$1500 - \$25,000 or more depending on the seriousness of the robbery, and the defendant's age and prior criminal history.

Realize that anyone with a prior felony criminal history who is charged with a new felony is almost certainly going to have significant bail set (meaning a likely range of \$3500 - \$25,000+)

What is a bail sufficiency hearing?

A bail sufficiency hearing or surety hearing is something you might hear (typically in drug or fraud cases) the judge say at the conclusion of the arraignment when she sets bail.

That will add an extra layer or two of difficulty to getting the person out of jail. That means that before the city will accept bail for the accused, there must be a hearing (or the prosecutors must informally agree) to make sure that the money being used has a legitimate source.

The idea of the bail sufficiency hearing was developed to respond to the fear that large scale drug dealers would simply use their illegal profits to obtain release from custody. Of course the prosecutors have taken the bail sufficiency hearing and bled its use into other areas and types of cases.

What will happen is that the person who wants to make the bail will be required to show that the money came from a legitimate source (for example, that he has a job, assets, and/or bank accounts that would reasonably exist for someone engaged in a legitimate activity). The person who shows up with a garbage bag full of \$100,000 cash who is unemployed and unable to explain how he got the money is likely going to be out of luck at such a hearing. These hearings are usually something that can be avoided after negotiations with the prosecutor.

The real problem is that the bail sufficiency hearing will delay the release process because the hearing must be scheduled. The corrections department is supposed to automatically produce the defendant to the courtroom as soon as the bail is tentatively posted, but this is often a confused and frustrating experience for the defendant, and the defendant's friends and family. You are best off obtaining the assistance of a lawyer.

Bail sufficiency hearings seem to be most frequently requested and actually conducted in Manhattan.

10a. BRONX COUNTY ARRAIGNMENTS

Location

Bronx Criminal Court Arraignments are held in the Bronx Criminal Court Building located at 215 East 161st Street, near Sherman and Sheridan Avenues.

Directions

Public transportation

Take the C or D train to the Yankee Stadium/161st Street Station; the No. 4 train also stops at the same station. There are several bus lines nearby: the BX 13 stops at East 161st Street and Sheridan Avenue; the BX 6 stops at East 161st Street and Sherman Avenue; the BX 1 stops at East 161st Street and Grand Concourse.

Bronx Arraignment Hours

Monday through Sunday: 9:00 a.m. to 1:00 a.m. Excluding Desk Appearance Tickets (DATs).

10b. KINGS COUNTY ARRAIGNMENTS (BROOKLYN)

Location

Brooklyn Criminal Court Arraignments are held in the Brooklyn Criminal Court building located at 120 Schermerhorn Street, Brooklyn. Livingston Street and Smith Street are located nearby.

Directions

Public transportation

Take the N, R or M train to the Lawrence Street Station; the G train to the Hoyt Street and Schermerhorn Street Station; the A, F or C train to the Jay Street Station; the 2, 3, 4 or 5 trains to the Borough Hall Station. There are several bus lines nearby: the B67, B41 and B45 bus lines stop near Livingston Street and Smith Street; the B63 and the B65 bus lines stop near Atlantic Avenue and Smith Street.

By Car

From Brooklyn Queens Expressway (coming from Queens) take the Cadman Plaza exit and make a left onto Court Street. Follow Court Street into the heart of downtown and follow the signs for the municipal lot. Park in the municipal lot. The Courthouse is a couple blocks from the municipal lot.

Brooklyn Arraignment Hours

Monday through Sunday: 9:00 a.m. to 1:00 a.m. Excluding Desk Appearance Tickets (DATs).

10c. NEW YORK COUNTY ARRAIGNMENTS (MANHATTAN)

Location

New York (Manhattan) Criminal Court Arraignments are held in the New York Criminal Court building located at 100 Centre Street.

The Manhattan Criminal Court building at 100 Centre Street is one block from Worth Street near Leonard Street and Franklin Street.

Directions

Public transportation

For the court location at 100 Centre Street, take the No. 4 or 5 train to the Brooklyn Bridge Station; the No. 6 train, the N, R or C train to Canal Street; the No. 1 train to Franklin Street; or the No. 1, 6 and 15 bus lines which are nearby.

By car

Car is considerably inconvenient and possibly an expensive means to get to Manhattan criminal court, unless you are going during evening sessions when traffic and street parking are not a major problem.

Manhattan Arraignment Hours

Monday through Sunday: 9:00 a.m. to 1:00 a.m.

Manhattan Criminal Court has abandoned the long running practice of staffing arraignments 24 hours a day from Thursday through Sunday. The Lobster Shift, as it was called informally, has been discontinued.

10d. QUEENS COUNTY ARRAIGNMENTS

Location

Queens Criminal Court Arraignments are held in the Queens Criminal Courthouse located at 125-01 Queens Blvd. Hoover Avenue and 82nd Avenue are nearby. The Summons Part (AR2 pink summons court) is located across the street in the Borough Hall Building.

Directions

Public Transportation

Take the E or F train to the Union Turnpike Station. The Q60, Q37, Q74 and Q46 buses all have stops in close proximity to the Courthouse.

By car:

From the Van Wyck Expressway (JFK area going toward the Whitestone Bridge take the Queens Blvd. exit that will deposit you with the Queens Criminal Courthouse conveniently on your right hand side as you travel down Queens Blvd. Take your first right after the courthouse (keeping the courthouse on your right) and follow the small street to the municipal lot. It is usually simpler to get a ticket and park inside the garage (it is either the same price or about the same price as the muni meter and you don't need to worry about timing).

From the Van Wyck Expressway coming from the direction of the Whitestone Bridge going toward JFK it is a little trickier.

Take the Queens Blvd/Union Turnpike exit. You will then be required to merge into traffic that will either take you up to your right onto Queens Blvd. or down to your left under an overpass (Queens Blvd.).

Merge left a couple of lanes (it is a bit dicey sometimes) so that you go UNDERNEATH the overpass. You might not be able to see the underpass from the merge, but the idea is to get as far left as you can as quickly as possible. The signs will point toward Queens Blvd. or Union Turnpike. Follow the direction for Union Turnpike.

Follow the road under the overpass to the first traffic light.

You will be taking a left and then an **immediate left** at the next traffic light barely into the turn. This will take you down a small service road **back**

**toward Queens Blvd. DO NOT GO BACK UNDER THE OVERPASS.
BEAR TO YOUR RIGHT ON THE SMALL SERVICE ROAD.**

As you drive by a large black glass office building you will merge all the way into Queens Blvd. going in the direction of the Courthouse. Drive through the large messy intersection keeping Borough Hall to your left.

As you drive by Borough Hall to your left, prepare to take the first available left hand turn at a traffic light. You will pass a traffic light with no left turn possible. Then you will get to a traffic light where you can turn left between Borough Hall and Queens Criminal Court.

Take this left.

You will have Borough Hall on your left and Queens Criminal Court on your right.

Park in the municipal lot directly in front of you. Take a ticket and park in the garage portion. This way you won't have to hassle with the Muni Meters.

Queens Arraignment Hours

Monday through Sunday: 9:00 a.m. to 1:00 a.m.

11. New York Criminal Sentencing Assistant

Here is a guide to New York State sentences in criminal cases.

Keep in mind that this guide is not meant to be a substitute for the opinion of a qualified New York criminal defense lawyer. It is always our recommendation that if you have a real criminal case to discuss your case with a qualified New York criminal defense lawyer or attorney.

Nevertheless, since a qualified New York criminal defense lawyer may not always be available to everyone at all times, using this guide is better than hoping the answers to your questions will magically appear before you.

If you follow the steps here you should have an accurate idea of the maximum and (in many cases) the minimums amounts of jail time faced by an accused. Given that most people are interested in the jail time associated with criminal cases, it is the jail time aspect of sentencing that we have targeted in this calculator.

Keep in mind, however, that laws, especially sentencing laws, have a tendency to change. It is quite possible that the laws may change before we have an opportunity to update the page.

I have attempted to reflect accurately the current sentencing laws, but cannot guarantee that a typographical error has not escaped our attention. As noted in the chart below, the chart does not apply to drug felonies in New York State. Please call me if you have any questions related to drug felony sentencing.

The results of using this calculator should be treated by you as a first step in a process of seeking information. **Get a second opinion.** Confirm what you find here with a live criminal defense attorney qualified in New York. You can call me for that second opinion.

Step One - The Offense Level

New York State grades felonies from A to E. A is the most serious and E is the least serious. Keep in mind that the least serious felony is punishable by more than one year in State Prison. Each felony is also labeled violent or nonviolent. Usually the rating of violence is related to actual violence involved in the crime but not always. Burglary in the Second Degree, for example, is considered a "violent" crime even though violence has nothing to do with Burglary in the Second Degree.

If you know the offense level of the crime you are researching, go to Step Two - Criminal History Level. You must know both the "grade" and whether or not it is considered violent. For example, "B violent felony" or "D nonviolent felony".

If you don't know the offense level or are unsure, **turn to the end of this guide** and locate the crime in the alphabetical listing of New York Crimes. You will find most crimes in New York listed. Once you have located the crime, and noted its Grade and whether it is classified as Violent or Non-Violent, you can move on to Step Two, below.

[Step Two - Criminal History Category](#)

Next, you need to know the criminal history category of the accused. It is not always obvious how to classify someone. Here are some guidelines.

No Priors - If the person in question has no felony convictions ever, that person obviously qualifies for the "no priors" category. Someone also qualifies for the "no priors" category if he has no felony convictions in the last ten years. The ten years does not begin until the person is released from jail on a previous case. This can get tricky and might require a careful analysis of dates. Youthful Offender findings do not count as prior convictions. Felony convictions in other states, the Federal system, or even other countries can be considered convictions in New York. The determination with respect to non-NY convictions can be extremely complex.

Non-Violent Predicate - A non violent predicate is a person who has been convicted of a non violent felony within the last ten years.

Violent Predicate - A violent predicate is a person who has been convicted of a violent felony within the last ten years.

Persistent Felony Offenders - If a person has two or more felony convictions in his past he may be a persistent felony offender and face LIFE in prison. We do not deal with persistent felony offenders in the sentencing chart that follows. If a person is a persistent felony offender he faces LIFE in prison. That just about sums it up.

Juvenile Offender - Children 16 and younger can be prosecuted in adult criminal court for certain very serious crimes. Nevertheless, these children do not face the same jail sentences that adults face. We do not address Juvenile Offender sentences in the chart that follows.

Youthful Offender - People under 19 years old at the time of the alleged offense are usually eligible for Youthful Offender Treatment. If a person is found to be a "Youthful Offender" the person is not considered to be convicted of a crime by New York State. Also, a Youthful Offender is sentenced according to different rules from adults. A Youthful Offender can receive a maximum sentence of 1 1/3 - 4 years in prison. Youthful Offender treatment does not necessarily prevent the Federal Government from considering it a conviction for Immigration purposes.

Jail Time Faced In New York - The Chart

Directions:

Find the Offense Level you are interested in on the left hand column. Then find the criminal history category of the person who is charged with the crime. The box at the intersection of the row and column will give you the jail time range required by New York State law. "Lowest" means the least amount of jail time possible for a person of that criminal history convicted of that offense level. "Highest" means the maximum amount of jail time possible for a person of that criminal history convicted of that offense level.

Level A felonies are not listed here. They are the most serious of crimes for New York and all carry potential LIFE sentences. .

Example: Suppose you want to find out what the possible sentences are for a person charged with **Robbery in the First Degree**.

For the purposes of this example, the person has never been convicted of any felonies (or anything else). Robbery in the First Degree is a B violent felony. A person with no felony convictions will use the "no priors" column.

The box at the intersection of "no priors" and "B violent felony" shows that the "lowest" amount of jail time allowed by law is 5 years. That means that if the person is convicted of Robbery in the First Degree, the judge will have no authority to sentence the person to one second less than 5 years in prison.

No probation. No programs. No slaps on the wrist. Furthermore, the judge would be allowed to sentence the person to as much as 25 years in prison.

	No Priors	Non Violent Predicate	Violent Predicate
B Violent Felony	Lowest: 5 years in prison Highest: 25 years in prison	Lowest: 8 years in prison Highest: 25 years in prison	Lowest: 10 years in prison Highest: 25 years in prison
B Non Violent Felony	Lowest: 1 - 3 years prison Highest: 8 1/3- 25 years prison	Lowest: 4 1/2 - 9 years prison Highest: 12 1/2 - 25 years	Lowest: 4 1/2 - 9 years prison Highest: 12 1/2 - 25 years
C Violent Felony	Lowest: 3 1/2 years in prison Highest: 15 years in prison	Lowest: 5 years in prison Highest: 15 years in prison	Lowest: 7 years in prison Highest: 15 years in prison
C Non Violent Felony	Lowest: No Jail (Probation possible) Highest: 5 - 15 years in prison	Lowest: 3 - 6 years in prison Highest: 7 1/2 - 15 years in prison	Lowest: 3 - 6 years in prison Highest: 7 1/2 - 15 years in prison
D Violent Felony	Lowest: 2 years in prison Highest: 7 years in prison	Lowest: 3 years in prison Highest: 7 years in prison	Lowest: 5 years in prison Highest: 7 years in prison
D Non Violent Felony	Lowest: No Jail (Probation possible) Highest: 2 1/3 - 7 years in prison	Lowest: 2 - 4 years in prison Highest: 3 1/2 - 7 years in prison	Lowest: 2 - 4 years in prison Highest: 3 1/2 - 7 years in prison
E Violent Felony	Lowest: 1 1/2 years in prison Highest: 4 years in prison	Lowest: 2 years in prison Highest: 4 years in prison	Lowest: 3 years in prison Highest: 4 years in prison

E Non Violent Felony	Lowest: No Jail Highest: 1 1/3 - 4 years in prison	Lowest: 1 1/2 - 3 years in prison Highest: 2 - 4 years in prison	Lowest: 1 1/2 - 3 years in prison Highest: 2 - 4 years in prison
A Misdemeanor	Lowest: No Jail Highest: 1 year in jail	Lowest: No Jail Highest: 1 year in jail	Lowest: No Jail Highest: 1 year in jail
B Misdemeanor	Lowest: No Jail Highest: 90 days in jail	Lowest: No Jail Highest: 90 days in jail	Lowest: No Jail Highest: 90 days in jail
Violation	Lowest: No Jail Highest: 15 days in jail	Lowest: No Jail Highest: 15 days in jail	Lowest: No Jail Highest: 15 days in jail

Important

THIS CHART NO LONGER APPLIES TO DRUG FELONIES. A SEPARATE SENTENCING STRUCTURE NOW APPLIES TO DRUG FELONIES. Please call us at 718-268-2171 for more information.

This chart does not cover every possible situation and is not presented as a substitute for legal advice from a qualified criminal defense attorney. It is not meant to cover every possible situation. It is designed to demonstrate jail time exposure under New York State sentencing guidelines current as of 2001.

It is NOT a complete sentencing chart. It does not include any discussion of parole or post release supervision. It does not include Youthful Offender or Juvenile Offender guidelines. It does not include Persistent Felon guidelines. Furthermore, it does not include some rarely used theoretical exceptions to some of the guidelines listed below. In short, this chart is not a substitute for having a real live qualified experienced criminal defense attorney consult with you.

Nevertheless, since everyone doesn't always have access to a real live qualified experienced criminal defense attorney, this chart is a decent alternative to simply wondering what the sentences in New York might be. It is certainly a far better alternative than listening to television news or reading the newspapers who virtually always get sentencing wrong.

New York Crimes in Alphabetical Order

Crime Name	Penal Code	Offense Level
abandonment of a child	260.00	E non-violent felony
abortion in the first degree	125.45	D violent felony
abortion in the second degree	125.40	E non-violent felony
absconding from a community treatment facility	205.19	E non-violent felony
absconding from a furlough program	205.18	A misdemeanor
absconding from temporary release in the first degree	205.17	E non-violent felony
absconding from temporary release in the second degree	205.16	A misdemeanor
aggravated assault upon a person less than eleven years old	120.12	E non-violent felony
aggravated assault upon a police officer or police officer	120.11	B violent felony
aggravated criminal contempt	215.52	D non-violent felony
aggravated harassment in the first degree	240.31	E non-violent felony
aggravated harassment in the second degree	240.30	A misdemeanor
aggravated harassment of an employee by an inmate	240.32	E non-violent felony
aggravated insurance fraud	176.35	B non-violent felony
aggravated sexual abuse in the first degree	130.70	B violent felony
aggravated sexual abuse in the second degree	130.67	C violent felony
aggravated sexual abuse in the third degree	130.66	D violent felony
appearance in public under the influence of narcotics or a drug other than alcohol	240.40	Violation
arson in the first degree	150.20	A1 felony
arson in the fourth degree	150.05	E non-violent felony
arson in the second degree	150.15	B violent felony
arson in the third degree	150.10	C non-violent felony
assault in the first degree	120.10	B violent felony
assault in the second degree	120.05	D violent felony
assault in the third degree	120.00	A misdemeanor
assault on a peace officer, police officer, fireman, or EMT	120.08	C violent felony
auto-stripping in the first degree	165.11	D non-violent felony
auto-stripping in the second degree	165.10	E non-violent felony
auto-stripping in the third degree	165.09	A misdemeanor
bail jumping in the first degree	215.57	D non-violent felony
bail jumping in the second degree	215.56	E non-violent felony
bail jumping in the third degree	215.55	A misdemeanor
bribe giving for public office	200.45	D non-violent felony
bribe receiving by a juror	215.20	D non-violent felony
bribe receiving by a labor official	180.25	D non-violent felony

bribe receiving by a witness	215.05	D non-violent felony
bribe receiving for public office	200.50	D non-violent felony
bribe receiving in the first degree	200.12	B non-violent felony
bribe receiving in the second degree	200.11	C non-violent felony
bribe receiving in the third degree	200.10	D non-violent felony
bribery in the third degree	200.00	D non-violent felony
bribery in the first degree	200.04	B non-violent felony
bribery in the second degree	200.03	C non-violent felony
bribery of a labor official	180.15	D non-violent felony
bribing a juror	215.19	D non-violent felony
bribing a witness	215.00	D non-violent felony
burglary in the first degree	140.30	B violent felony
burglary in the second degree	140.25	C violent felony
burglary in the third degree	140.20	D non-violent felony
cemetery desecration in the first degree	145.23	E non-violent felony
cemetery desecration in the second degree	145.22	A misdemeanor
coercion in the first degree	135.65	D non-violent felony
coercion in the second degree	135.60	A misdemeanor
commercial bribe receiving in the first degree	180.08	E non-violent felony
commercial bribe receiving in the second degree	180.05	A misdemeanor
commercial bribing in the first degree	180.03	E non-violent felony
commercial bribing in the second degree	180.00	A misdemeanor
compounding a crime	215.45	A misdemeanor
computer tampering in the first degree	156.27	C non-violent felony
computer tampering in the fourth degree	156.20	A misdemeanor
computer tampering in the second degree	156.26	D non-violent felony
computer tampering in the third degree	156.25	E non-violent felony
computer trespass	156.10	E non-violent felony
consensual sodomy	130.38	B misdemeanor
conspiracy in the fifth degree	105.05	A misdemeanor
conspiracy in the first degree	105.17	A1 felony
conspiracy in the fourth degree	105.10	E non-violent felony
conspiracy in the second degree	105.15	B non-violent felony
conspiracy in the sixth degree	105.00	B misdemeanor
conspiracy in the third degree	105.13	D non-violent felony
course of sexual conduct against a child in the first degree	130.75	B violent felony
course of sexual conduct against a child in the second degree	130.80	D violent felony
criminal anarchy	240.15	E non-violent felony
criminal contempt in the first degree	215.51	E non-violent felony
criminal contempt in the second degree	215.50	A misdemeanor
criminal contempt of a temporary state commission	215.65	A misdemeanor
criminal contempt of the legislature	215.60	A misdemeanor
criminal contempt of the state commission on judicial conduct	215.66	A misdemeanor

criminal diversion of prescription medications first degree	178.25	C non-violent felony
criminal diversion of prescription medications fourth degree	178.10	A misdemeanor
criminal diversion of prescription medications second degree	178.20	D non-violent felony
criminal diversion of prescription medications third degree	178.15	E non-violent felony
criminal facilitation in the first degree	115.08	B non-violent felony
criminal facilitation in the fourth degree	115.00	A misdemeanor
criminal facilitation in the second degree	115.05	C non-violent felony
criminal facilitation in the third degree	115.01	E non-violent felony
criminal impersonation in the first degree	190.26	E non-violent felony
criminal impersonation in the second degree	190.25	A misdemeanor
criminal injection of a narcotic drug	220.46	E non-violent felony
criminal interference with health care services or religious worship in the first degree	240.71	E non-violent felony
criminal interference with health care services or religious worship in the second degree	240.70	A misdemeanor
criminal mischief in the first degree	145.12	B non-violent felony
criminal mischief in the fourth degree	145.00	A misdemeanor
criminal mischief in the second degree	145.10	D non-violent felony
criminal mischief in the third degree	145.05	E non-violent felony
criminal nuisance in the first degree	240.46	E non-violent felony
criminal nuisance in the second degree	240.45	B misdemeanor
criminal possession of a controlled substance in the fifth degree	220.06	D non-violent felony
criminal possession of a controlled substance in the first degree	220.21	A1 felony
criminal possession of a controlled substance in the fourth degree	220.09	C non-violent felony
criminal possession of a controlled substance in the second degree	220.18	A2 felony
criminal possession of a controlled substance in the seventh degree	220.03	A misdemeanor
criminal possession of a controlled substance in the third degree	220.16	B non-violent felony
criminal possession of a forged instrument in the first degree	170.30	C non-violent felony
criminal possession of a forged instrument in the second degree	170.25	D non-violent felony
criminal possession of a forged instrument in the third degree	170.20	A misdemeanor
criminal possession of a taximeter accelerating device	145.70	A misdemeanor
criminal possession of a weapon in the first degree	265.04	B violent felony
criminal possession of a weapon in the fourth degree	265.01	A misdemeanor
criminal possession of a weapon in the second degree	265.03	C violent felony
criminal possession of a weapon in the third degree	265.02	D violent felony
criminal possession of an anti-security item	170.47	B misdemeanor
criminal possession of computer-related material	156.35	E non-violent felony

criminal possession of forgery devices	170.40	D non-violent felony
criminal possession of marijuana in the fifth degree	221.10	B misdemeanor
criminal possession of marijuana in the first degree	221.30	C non-violent felony
criminal possession of marijuana in the fourth degree	221.15	A misdemeanor
criminal possession of marijuana in the second degree	221.25	D non-violent felony
criminal possession of marijuana in the third degree	221.20	E non-violent felony
criminal possession of precursors of controlled substances	220.60	E non-violent felony
criminal possession of public benefit cards in the first degree	158.50	C non-violent felony
criminal possession of public benefit cards in the second degree	158.45	D non-violent felony
criminal possession of public benefit cards in the third degree	158.40	E non-violent felony
criminal possession of stolen property in the fifth degree	165.40	A misdemeanor
criminal possession of stolen property in the first degree	165.54	B non-violent felony
criminal possession of stolen property in the fourth degree	165.45	E non-violent felony
criminal possession of stolen property in the second degree	165.52	C non-violent felony
criminal possession of stolen property in the third degree	165.50	D non-violent felony
criminal sale of a controlled substance in or near school grounds	220.44	B non-violent felony
criminal sale of a controlled substance in the fifth degree	220.31	D non-violent felony
criminal sale of a controlled substance in the first degree	220.43	A1 felony
criminal sale of a controlled substance in the fourth degree	220.34	C non-violent felony
criminal sale of a controlled substance in the second degree	220.41	A2 felony
criminal sale of a controlled substance in the third degree	220.39	B non-violent felony
criminal sale of a firearm in the first degree	265.13	B violent felony
criminal sale of a firearm in the second degree	265.12	C violent felony
criminal sale of a firearm in the third degree	265.11	D violent felony
criminal sale of a firearm to a minor	265.16	C non-violent felony
criminal sale of a firearm with the aid of a minor	265.14	C violent felony
criminal sale of a police uniform	190.27	A misdemeanor
criminal sale of a prescription for a controlled substance	220.65	C non-violent felony
criminal sale of marijuana in the fifth degree	221.35	B misdemeanor
criminal sale of marijuana in the first degree	221.55	C non-violent felony
criminal sale of marijuana in the fourth degree	221.40	A misdemeanor
criminal sale of marijuana in the second degree	221.50	D non-violent felony
criminal sale of marijuana in the third degree	221.45	E non-violent felony
criminal solicitation in the fifth degree	100.00	Violation

criminal solicitation in the first degree	100.13	C non-violent felony
criminal solicitation in the fourth degree	100.05	A misdemeanor
criminal solicitation in the second degree	100.10	D non-violent felony
criminal solicitation in the third degree	100.08	E non-violent felony
criminal stimulation	170.45	A misdemeanor
criminal tampering in the first degree	145.20	D non-violent felony
criminal tampering in the second degree	145.15	A misdemeanor
criminal tampering in the third degree	145.14	B misdemeanor
criminal trespass in the first degree	140.17	D non-violent felony
criminal trespass in the second degree	140.15	A misdemeanor
criminal trespass in the third degree	140.10	B misdemeanor
criminal use of a firearm in the first degree	265.09	B violent felony
criminal use of a firearm in the second degree	265.08	C violent felony
criminal use of a public benefit card in the first degree	158.35	E non-violent felony
criminal use of a public benefit card in the second degree	158.30	A misdemeanor
criminal use of an access device in the first degree	190.76	E non-violent felony
criminal use of an access device in the second degree	190.75	A misdemeanor
criminal usury in the first degree	190.42	C non-violent felony
criminal usury in the second degree	190.40	E non-violent felony
criminally negligent homicide	125.10	E non-violent felony
criminally possessing a hypodermic instrument	220.45	A misdemeanor
criminally using drug paraphernalia in the first degree	220.55	D non-violent felony
criminally using drug paraphernalia in the second degree	220.50	A misdemeanor
custodial interference in the first degree	135.50	E non-violent felony
custodial interference in the second degree	135.45	A misdemeanor
defrauding the government	195.20	E non-violent felony
disorderly conduct	240.20	Violation
disruption or disturbance of religious service	240.21	A misdemeanor
disseminating indecent material to minors in the first degree	235.22	D non-violent felony
disseminating indecent material to minors in the second degree	235.21	E non-violent felony
divulging an eavesdropping warrant	250.20	A misdemeanor
driving while intoxicated	1192	Unclassified misdemeanor (U)
eavesdropping	250.05	E non-violent felony
endangering the welfare of a child	260.10	A misdemeanor
endangering the welfare of a vulnerable elderly person in the first degree	260.34	D non-violent felony
endangering the welfare of a vulnerable elderly person in the second degree	260.32	E non-violent felony
endangering the welfare of an incompetent or physically disabled person	260.25	A misdemeanor
escape in the first degree	205.15	D non-violent felony
escape in the second degree	205.10	E non-violent felony
escape in the third degree	205.05	A misdemeanor

exposure of a person	245.01	Violation
failing to report criminal communications	250.35	B misdemeanor
failing to respond to an appearance ticket	215.58	Violation
failure to report wiretapping	250.15	B misdemeanor
false advertising	190.20	A misdemeanor
false personation	190.23	B misdemeanor
falsely reporting an incident in the first degree	240.60	E non-violent felony
falsely reporting an incident in the second degree	240.55	A misdemeanor
falsely reporting an incident in the third degree	240.50	B misdemeanor
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promoting prostitution in the first degree	230.32	B non-violent felony
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