



NEW YORK STATE SENATOR

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## Senate Passes Legislation Giving Courts Greater Criteria for Granting Bail

DEAN G. SKELOS April 18, 2012

*“Jilly’s Law” intended to protect victims*

The New York State Senate today passed a law which gives courts the ability to consider a greater number of issues—including victims’ safety—when setting bail. The bill (S.259), sponsored by Senator George Mazarz, also known as “Jilly’s Law”, is named for Jill Cahill who was killed in 1998.

Jill Cahill, of Onondaga County, was in the process of trying to divorce her husband, Jeff Cahill, when he attacked her with a baseball bat, striking her more than seven times and nearly killing her.

While Jeff Cahill was out on bail, Jill requested and was granted an order of protection against her husband which required him to stay away from her and their children. However, shortly after his release, Jeff Cahill began to research ways to poison his wife. He purchased potassium cyanide and posed as a member of hospital staff. On October 27, 1998, Jeff Cahill, posing as a janitor, poisoned and killed Jill Cahill in her hospital room.

“The passage of Jilly’s law is extremely important for the future safety of our community,” said Senator Mazarz. “If the court had been able to consider the safety and severity of the

injuries of the victim, as well as the brutal nature of the attack all along, victims such as Jill might still be alive today. I am hopeful that the addition of these factors to be considered in setting bail by the court will go a long way in saving lives of those who fell victim to the crimes in the first place. I applaud the Senate for passing this most important piece of legislation.”

Under current New York State law, the only factors courts are permitted to consider when setting bail is whether a person charged with a crime will appear in court for their next designated court appearance. This is based on ties to the community and the likelihood that the person may flee because of the severity of charges brought against him.

There is no provision that permits the court to consider the safety of the victim, the nature of the offense, or the impact of the offense on the victim, witnesses, or the victim's family members when determining whether to set bail at all and, if so, in what amount.

The bill has been sent to the Assembly.