



NEW YORK STATE SENATOR

Joseph A. Griffo

## Griffo: Relieve counties of unfunded mandates concerning DA salaries & indigent legal services

JOSEPH A. GRIFFO May 10, 2016

| ISSUE: **UNFUNDED STATE MANDATES, INDIGENT LEGAL SERVICES, CRIMINAL JUSTICE**



UTICA – State Senator Joseph Griffo on Monday announced he is co-sponsoring two bills in the New York State Senate that would address issues concerning the criminal justice system, while relieving counties of burdensome unfunded mandates.

In one bill, Senator Griffo, R-Rome, is calling upon the State to provide \$1.6 million in financial assistance to help all counties pay for a recent state-mandated increase in salary for

local District Attorneys. The other bill, Griffo said, would require the State to provide fully-funded legal representation for indigent criminal defendants by 2018 by reimbursing all counties for these expenses.

Both bills, if approved, would help relieve counties of the financial strain they are currently experiencing as a result of these escalating funding burdens, Griffo said.

**BILL S7417:** The independent New York State Commission on Legislative, Judicial, and Executive Compensation approved on April 1 an increase in salaries for all state judges. But, as these judges would see an increase in pay, current State Judicial Law also requires District Attorney salaries to be equal to, or higher than, County Court or Supreme Court judges. Instead of leaving counties to fend for themselves in paying for this mandated increase in District Attorney salaries, this bill would direct the State to provide approximately \$1.6 million in financial assistance to counties to cover the costs.

**Senator Griffo said:** “This is yet another example of New York State’s troubling pattern of imposing mandates without providing the proper funding to ensure that municipalities can actually afford these new measures. Our counties are already struggling to cover a wide variety of budgetary priorities within the strict confines of the property tax cap, so this bill will accomplish what the State should have done by ensuring that increasing salaries for District Attorneys will not negatively impact county budgets.”

**BILL S6341A:** The state recently settled a lawsuit with five counties – Suffolk, Washington, Ontario, Onondaga and Schuyler – to put the New York State Office of Indigent Legal Services in charge of public defense operations in those counties. But in the other remaining counties that still have to fund their indigent legal services according to a federal mandate, the ability or inability of a particular county to be able to properly support the program has resulted in an inconsistent level of service and staffing of public defenders from region to

region across the state. This bill would require the state to fully reimburse all counties for their expenses involving indigent legal defense services, starting in 2018.

**Senator Griffo said:** “Everyone has a constitutional right to an attorney. But as our counties try to balance their budgets, the fairness of our criminal justice system for the poorest of criminal defendants should not depend upon how much local taxpayers are able pay toward their county’s indigent legal services. Requiring the State to fully reimburse financially-stressed counties for indigent legal services would help ensure that our public defenders can provide the proper attention these important cases deserve in the interest of justice.”

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#### RELATED LEGISLATION

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### 2015-S7417

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly

- Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Directs the state to provide reimbursement to counties for mandated increases in compensation paid to district attorneys after April 1, 2016

April 29, 2016

In Senate Committee **Finance**

Sponsored by **Thomas F. O'Mara**

Do you support this bill?

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## **2015-S6341A**

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- Introduced
- ◦ In Committee Assembly
  - In Committee Senate
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

- 

Requires state reimbursement to counties the full amount of expenditures for indigent legal services

January 04, 2016

In Senate Committee [Rules](#)

Sponsored by [John A. DeFrancisco](#)

Do you support this bill?