



NEW YORK STATE SENATOR

John A. DeFrancisco

STATE LEGISLATURE PASSES INDIGENT LEGAL SERVICES BILL

JOHN A. DEFRANCISCO June 17, 2016

State Senator John A. DeFrancisco has announced that his bill (S8114), which would make certain that indigent defendants are provided counsel in criminal proceedings, passed the State Senate. The bill would also provide for an end to a substantial unfunded mandate on counties.

Last year, five counties, including Onondaga, brought suit in order to enforce an indigent defendant's constitutional right to counsel. That lawsuit resulted in a stipulated settlement whereby the state agreed to take over the cost of indigent legal defense operations in these counties. That was a substantial victory for the five counties that were parties to the lawsuit, but it did not apply to the remaining counties in the state.

The bill that passed the State Senate makes the terms of this settlement applicable to all counties in the state, thereby, relieving counties from this unfunded mandate and providing uniform state procedures for indigent defendants.

"This bill would ensure that indigent defendants have counsel in criminal proceedings, while relieving the counties of an extremely costly mandate," said Senator DeFrancisco.

An identical bill in the State Assembly sponsored by Assemblymember Patricia Fahy also passed. Now the bill will be sent to Governor Cuomo for his consideration.