Senator Gianaris Calls to End Cash Bail Following Pedro Hernandez Case

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(New York, NY) – Senator Michael Gianaris today reissued his call for an end to monetary bail and for the passage of his legislation that would reform pre-trial detention in New York by eliminating bail. The bill would remove any form of monetary bail as an option for a judge to impose on a defendant pending trial. Instead, judges would have three alternatives to bail:

release on recognizance (which would be presumed in misdemeanor cases), conditional release with pre-trial monitoring, or remand to a correctional facility in the most extreme cases.

Senator Gianaris's call comes on the heels of the case against Pedro Hernandez, who remained behind bars awaiting trial for over a year on $250,000 bail for crimes he likely did not commit. Pedro was arrested in connection with a 2015 shooting in the Bronx and was charged with criminal possession of a weapon and firearm, reckless endangerment and assault. Eight witnesses, including the victim, have come forward to state that Pedro was not the perpetrator. Pedro maintained his innocence throughout this process, including by rejecting a plea offer that would have kept him out of jail, in exchange for a guilty plea.

Yesterday, Pedro Hernandez was finally released from Rikers Island after his bail was paid for by the Robert F. Kennedy Human Rights organization. His trial is set for September 6th.

Senator Gianaris said, "Pedro Hernandez is the latest example of a system that discriminates on the basis of wealth. New York cannot be a truly progressive state while men and women await trial on Rikers Island only because they cannot afford to purchase their freedom. The best solution is to scrap the bail system and start over."

It is estimated that the cost of pre-trial detention in New York exceeds $1 billion annually, which means the enactment of Senator Gianaris's proposal would result in significant taxpayer savings.