



NEW YORK STATE SENATOR

Andrew J. Lanza

Elected Officials & Police Unions Denounce Radical New Bail Laws, Call for Immediate Changes

ANDREW J. LANZA November 15, 2019



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New York State Senator Andrew J. Lanza, “As a former prosecutor I know how dangerous the new bail laws are for our State. These laws were pushed through by politicians who either lack an understanding of the criminal justice process, or care more about politics than public safety. These laws are going to make it less safe for our community and for law enforcement. Moreover, these laws will invite and encourage more crime. This wrong-headed law sends the

word to would-be criminals that whether you live in another state or are visiting from another country, when you commit a crime in New York you will be immediately released and sent on your way.”

ELECTED OFFICIALS AND POLICE UNIONS DENOUNCE RADICAL NEW BAIL LAWS, CALL FOR IMMEDIATE CHANGES

Assemblywoman Nicole Malliotakis (R,C,I,-Brooklyn, Staten Island) and Assemblyman Mike Reilly (R-South Shore), along with every union representing the NYPD called for immediate changes to the new bail laws passed by Gov. Cuomo and NY Democrats set to take effect on January 1, 2020 at a press conference held today on Staten Island.

They expressed concerns about the impact it will have on the current drug epidemic affecting communities across our city and state if amendments aren't made. Under the law, bail will be eliminated for defendants charged with most drug crimes, including selling on school grounds. After being arrested, they will be released back onto our streets to return to court on their own recognizance.

“I'm proud to stand in solidarity with my colleagues and every union representing the NYPD concerned about public safety to denounce the new bail laws that put the interests of convicted felons ahead of those of law-abiding citizens because as government officials we know that keeping the public safe is our most important responsibility,” said Malliotakis. “These new bail laws, which are set to begin in January, will cause 90% of the arrested population to be released. This includes those with extensive criminal records and those charged with criminally negligent homicide, stalking, strangulation, assault, and so many more heinous acts. We have a drug epidemic and are investing millions to provide treatment and save lives yet our Governor and other pro-crime liberals are mandating that every drug

dealer except the worst traffickers be released back on our streets. It is important to understand how drastic these new laws are, as they will allow for criminals to roam free, witnesses to be intimidated and illegal immigrants with criminal histories to be shielded from deportation.”

The elimination of bail for most criminal offenses is a continuation in the trend of Democrats abdicating their primary responsibility of protecting the New York citizens in favor of granting concessions and handouts to those who break the law. Indeed, Mayor de Blasio’s office plans to get these defendants to appear for their court day by offering Mets tickets as an incentive.

Assemblyman Reilly, who co-hosted the press conference, added; “In just one year, Albany Democrats have managed to place New York back on the brink of chaos. Their misguided desire for criminal justice reform has more to do with checking a box on a political agenda than it does for making our communities safer — but we are here to remind them that New Yorkers aren’t easily fooled. This is not progress. On January 1, 2020, New York will step into the Twilight Zone. Gun-toting, drug-peddling criminals will be free on the street thanks to the elimination of cash bail. These criminals won’t be held for their court appearance, they won’t even have a good enough reason to own up to the crime they committed — instead they will be persuaded to appear in court with free tickets to sporting and music events. I remind you, this is not progress. Governor Cuomo and the Democratic leaders in Albany need to wake up and get with reality: New Yorkers will not allow their quality of life to diminish this way and they will hold you accountable!”

New York City Councilman Joe Borelli, who also co-hosted the press conference, added, “Can it be any clearer to average taxpayers that New York is circling the drain? Policy is now made by any well-funded liberal activist group, regardless of how bizarre their proposals, or how

average taxpayers may feel. I don't feel guilty about not wanting violent criminals on my block, and neither should you."

New York City Councilman Steven Matteo, "Eliminating bail for nearly all misdemeanor offenses is clearly dangerous and now we know just how dangerous it will be for Staten Islanders: More than half of the 300 criminal defendants on Staten Island will be released in January, many of them violent offenders with significant criminal records. This is a threat to the quality of life of our community, and I stand with my colleagues in opposition to this absurd policy."

New York State Senator Andrew J. Lanza, "As a former prosecutor I know how dangerous the new bail laws are for our State. These laws were pushed through by politicians who either lack an understanding of the criminal justice process, or care more about politics than public safety. These laws are going to make it less safe for our community and for law enforcement. Moreover, these laws will invite and encourage more crime. This wrong-headed law sends the word to would-be criminals that whether you live in another state or are visiting from another country, when you commit a crime in New York you will be immediately released and sent on your way."

Staten Island District Attorney Michael McMahon weighed in saying, "As district attorney, my primary responsibility is to ensure the safety and well-being of all Staten Islanders, particularly those who have been the victims of crime. When the calendar turns to 2020, that mission will be made incredibly more difficult with the implementation of New York state's far over-reaching criminal justice reforms passed last spring. While there is no question some reform was needed to ensure fairness for all participants, this legislative package was poorly written and goes to the extreme, dangerously tilting the system against victims of crime and the community at large. These laws tie the hands of our judges by forbidding even the

consideration of an individual's risk to public safety and the likelihood that they will return to court when setting bail, and they require witness and victim contact information be turned over within 15 days of arraignment, which not only risks their safety but creates a chilling impact on victim and witness participation in reporting crimes and subsequent prosecutions. This will undoubtedly hinder our ability to hold criminals accountable and to prosecute even the most heinous crimes.”

“We anticipate more than 150 defendants from Staten Island will be released after January 1, 2020, among them a defendant charged with possessing and intending to sell more than six kilos of methamphetamine, as well as a defendant arrested for allegedly breaking into a nursing home in the middle of the night,” continued McMahon. “We will do everything within our power under the law to keep Staten Island safe, but I continue to echo the concerns expressed by my two partners in the State Assembly, the NYPD, and our partners in law enforcement over the dangerous situation that has been created by these misguided and imprudent laws. Sadly, we have reached the point of the absurd.”

Here is a list of other crimes for which a defendant must be released from custody, without bail, after January 1st:

- Burglary in the second degree (residential burglary)
- Burglary in the third degree
- Robbery in the second degree (aided by another person)
- Robbery in the third degree
- Manslaughter in the second degree
- Criminally negligent homicide
- Aggravated vehicular homicide

- Vehicular manslaughter in the first and second degrees
- Assault in the third degree
- Aggravated vehicular assault
- Aggravated assault upon a person less than eleven years old
- Vehicular assault in the first and second degrees
- Criminal possession of a weapon on school grounds
- Criminal possession of a firearm
- Criminal possession of a weapon in the fourth degree
- Criminal sale of a firearm to a minor
- Criminal possession of a controlled substance in the first and second degrees
- Criminal sale of a controlled substance in the first and second degrees
- Criminal sale of a controlled substance in or near school grounds
- Use of a child to commit a controlled substance offense
- Criminal sale of a controlled substance to a child
- Patronizing a person for prostitution in a school zone
- Promoting an obscene sexual performance by a child
- Possessing an obscene sexual performance by a child
- Promoting a sexual performance by a child
- Failure to register as a sex offender
- Bribery in the first degree
- Bribe giving for public office
- Bribe receiving in the first degree
- Arson in the third and fourth degrees

- Grand larceny in the first, second, third, and fourth degrees
- Aggravated cruelty to animals
- Overdriving, torturing and injuring animals
- Failure to provide proper sustenance to animals
- Animal fighting
- Unlawful imprisonment in the first degree
- Coercion in the first degree
- Criminal solicitation in the first degree
- Criminal facilitation in the first degree
- Money laundering in support of terrorism in the third and fourth degrees
- Making a terroristic threat
- Obstructing governmental administration in the first and second degree
- Obstructing governmental administration by means of a self-defense spray device
- Promoting prison contraband in the first and second degrees
- Resisting arrest
- Hindering prosecution
- Tampering with a juror
- Tampering with physical evidence
- Aggravated harassment in the first degree
- Directing a laser at an aircraft in the first degree
- Enterprise corruption
- Money laundering in the first degree