



NEW YORK STATE SENATOR

James Tedisco

## Tedisco and Santabarbara Announce New Bi-Partisan Criminal Justice Reform Bill to Keep New Yorkers Safe

SENATOR JIM TEDISCO November 25, 2019



Senator Jim Tedisco (R,C,I,REF-Glenville) and Assemblyman Angelo Santabarbara (D-Rotterdam) today announced new bi-partisan criminal justice reform legislation that strikes a balance on providing bail reform while allowing greater judicial discretion to ensure public safety.

The current version of the law, which takes effect on January 1, 2020, provides for little to no judicial discretion. The bail and discovery reform law was hastily passed earlier this year in

the state budget and has come under widespread bipartisan criticism from law enforcement, prosecutors, and crime victims, who fear it could endanger public safety and lead to a revolving door for criminals.

Bi-partisan opposition from Democrats and Republicans with calls to press the pause button to fix the new bail and discovery reform law is growing by the day. Locally, District Attorneys David Soares (D-Albany), Bob Carney (D-Schenectady), Mary Pat Donnelly (D-Rensselaer), Karen Heggen (R-Saratoga), Chad Brown (R-Fulton) and Kelli McCoski (R-Montgomery) along with Sheriffs Craig Apple (D-Albany), Michael Zurlo (R-Saratoga), Richard Giardino (R-Fulton), and Jeffrey Smith (R-Montgomery), the New York State Sheriff's Association, the District Attorney's Association of New York, and the New York State Conference of Mayors, have all asked for the law to be amended to provide for more judicial discretion to protect the public.

Senator Tedisco and Assemblyman Santabarbara's bill ([S.6861/Assembly Bill # pending](#)) allows the courts to make an appropriate risk assessment based on a defendant's prior felony conviction(s), a failure to make a court appearance, or a subsequent arrest while awaiting a preliminary hearing or trial. The law which will take effect on January 1<sup>st</sup>, provides no such discretion to judges.

"They say discretion is the better part of valor. Let's give some discretion back to New York's judges to keep New Yorkers safe," said Senator Jim Tedisco, who is also sponsoring legislation for a moratorium on the bail and discovery reform law ([S.6853](#)) as well as a full repeal of the law ([S.6849](#)). "We support criminal justice reform to help reduce recidivism and turn people's lives around, but that can't be done at the expense of public safety. The so-called reforms that ultimately passed were done in haste in the flurry of passing a state budget without getting input from the criminal justice experts who will have to implement the law. The bi-partisan bill that Assemblyman Santabarbara and I have put forth aims to begin to

rebalance the scales of justice and provide judges with more discretion to keep the public safe. Our representative democracy is based on three equal branches of government: executive, legislative and judicial. Discretion has always been an important part of the judiciary as it relates to issues of danger and safety for the protection of our citizenry.”

“This bill can help address one of the major reasons I voted no on the bail reform package the governor has now signed into law,” said Assemblyman Angelo Santabarbara. “Any reform package should allow judges to hold offenders that pose a danger to others based on the seriousness of each crime and prior offenses. Keeping our communities safe is a continuing challenge and our police departments and law enforcement agencies work at that challenge every day. While I fully support responsible bail reform, and agree there’s no reason to hold non-violent minor offenders who pose no danger to public safety on cash bail, as legislators we cannot lose sight of what it takes to keep crime down.”

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#### RELATED LEGISLATION

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### **2019-S6861**

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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
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November 20, 2019

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Do you support this bill?