



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Calls on Legislature to Fix Bail Reform Law

JIM RANNEY January 10, 2020

| ISSUE: **BAIL REFORM. PUBLIC SAFETY**



Senator Patrick M. Gallivan (R-C-I, Elma) is calling on his colleagues in the NYS Legislature to fix the dangerous changes made to the state's criminal justice system, including bail reform, which took effect on January 1, 2020. He also outlined a proposal to prevent dangerous offenders from being released from jail.

"We are just ten days in, and it is already clear that these so-called bail reforms need to be fixed," Senator Gallivan said. "We have seen multiple instances where dangerous individuals, including some previously convicted of violent crimes, have been released because of this

new law. Ensuring public safety is our most important responsibility and fixing this dangerous law should be our top priority.”

Senator Gallivan, a former State Trooper and Sheriff of Erie County, voted against the bail reform bill last year.

The new law eliminates cash bail and pre-trial detention for most offenses. A defendant’s criminal history, or the fact that they may pose a clear physical threat to another person, cannot be considered, creating a system in which an offender is likely sent back into the community, unsupervised and able to come into contact with their victim, the victim’s loved ones, and others. Over the past week, there have been multiple instances across the state in which released individuals have re-offended, creating new victims.

Senator Gallivan is calling for a risk assessment tool that judges could use to determine the suitability of bail.

“Many of these repeat offenders pose a clear and present danger to the public, but because a judge can no longer even consider “dangerousness” as criteria in determining bail, they are being released to potentially commit more crimes,” Senator Gallivan said.

Senator Gallivan is also sponsoring legislation that would build on the Victims Justice Agenda and give law enforcement the tools they need to keep perpetrators off our streets and away from their victims.

The first bill (S.6840) would expressly allow judges to consider a perpetrators’ dangerousness when determining whether a defendant should be held pre-trial. New York is one of only four states that do not allow judges to consider the dangerousness of a defendant when setting a securing order.

The second bill (S.6839) would ensure that each crime under the aggravated family offense statute—domestic violence and sex crimes—would qualify for bail and pre-trial detention. Since the new bail reform measures took effect on January 1, 2020, several of these particularly heinous crimes no longer qualify for bail and pre-trial detention leaving these victims particularly vulnerable.

Earlier this week, Senator Gallivan launched an on-line petition calling on lawmakers to reverse the changes.

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2019-S6840

- Introduced

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 - In Committee Senate
- ○ On Floor Calendar Assembly
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- ○ In Committee Assembly
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- ○ On Floor Calendar Assembly
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- ○ Passed Assembly
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