



NEW YORK STATE SENATOR

Michael Gianaris

## After Protesters Held For Days Without Being Charged, Senate Deputy Leader Gianaris Announces Senate Passage Of Legislation To Limit Detention

MICHAEL GIANARIS July 22, 2020

| ISSUE: **BLACK LIVES MATTER, GEORGE FLOYD, HABEAS CORPUS, JUSTICE REFORM, POLICE REFORM**



ALBANY – Senate Deputy Leader Michael Gianaris announced his new [legislation \(S. 8707-A\)](#) to protect the rights of New Yorkers detained by law enforcement passed the Senate today.

“New York is facing an unprecedented reckoning with our system of law enforcement. One of the most egregious violations of civil liberties is the suspension of habeas corpus – one of

the most fundamental rights of the accused in the United States,” said **Senate Deputy Leader Michael Gianaris**. “Preserving that right against police overreach is crucial to the rule of law and this legislation is critical to ensuring it is protected.”

*Watch Here: Senator Gianaris’ Floor Speech on Newly Passed Legislation*

In June, the New York City Police Department (NYPD) asked for habeas corpus rights – the right for a defendant to be arraigned in court within 24 hours – to be suspended due to the high volume of arrests made during protests in the wake of the George Floyd murder. New York City Criminal Court Judge James Burke agreed with the NYPD and allowed a blanket exception to habeas corpus rules.

Attorneys with the New York Legal Aid Society had presented the original writ while representing the protestors. The Legal Aid Society worked in tandem with Senator Gianaris to draft this legislation, strengthening protections around habeas rights.

**Russell Novack, Staff Attorney with the Special Litigation Unit at the Criminal Defense Practice at The Legal Aid Society**, said “This past June, hundreds of New Yorkers arrested at the George Floyd demonstrations were detained by the NYPD for well over 24 hours, deprived of their right to be swiftly brought before a judge. As a result, people merely accused of committing a crime were forced into cramped cells, at an increased risk of contracting COVID-19. This legislation will codify the protections secured in the landmark Roundtree case, which set a 24-hour rule for pre-arraignment detention. The Legal Aid Society thanks Senator Michael Gianaris for sponsoring this important legislation to protect against abuses that disproportionately impact black and brown people.”

The legislation is co-sponsored by Senators Jamaal Bailey, David Carlucci, Brad Hoylman, Robert Jackson, Liz Krueger, John Liu, and Julia Salazar. The Assembly companion bill will be carried by Assemblymember Diana Richardson, who herself was pepper-sprayed by police

officers during a protest following the death of George Floyd.

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#### RELATED LEGISLATION

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### 2019-S8707A

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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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[Relates to detaining persons for longer than twenty-four hours](#)

July 09, 2020

In Assembly Committee

Sponsored by Michael Gianaris

Do you support this bill?