



NEW YORK STATE SENATOR

Susan Serino

SERINO & MOLINARO: FIX BAIL 'REFORM'

SUSAN SERINO January 31, 2022

| ISSUE: **BAIL REFORM, JUDICIAL DISCRETION**



ALBANY, NY – Senator Sue Serino today joined Dutchess County Executive Marc Molinaro at a press conference he hosted in the Capitol to urge Governor Kathy Hochul to make fixing New York’s dangerous bail laws a priority in her 30 Day Executive Budget Amendments.

*“In the fall of 2019, I held a **press conference** here in the Capitol flanked not only by law enforcement and district attorneys, but also by victims advocates—notably domestic violence victim advocates,” **said Senator Serino.** “At that time, we warned that in the rush to reform, the Majority was putting victims—especially vulnerable domestic violence victims—directly in harm’s way by prohibiting judges from considering “dangerousness” when determining whether an individual should be held pre-*

trial. Today, over two years later, headline after headline continues to prove that our concerns in 2019 were well-founded, and these changes to our bail system are leaving victims vulnerable. It is time to put public safety ahead of partisan politics and make commonsense changes to this law, and we are urging Governor Hochul to do so in her 30 Day Budget Amendments.”

At the event, Senator Serino pointed to a recent [analysis by the Times Union](#) to illustrate her point. The report highlighted a case where an individual was repeatedly released from custody—or released on a low bail amount—despite violating orders of protection at least eight times in 2020. According to the news outlet, it was not until December 2020—nine months after his first arrest for breaking into the woman's residence and violating an order of protection—that a judge ultimately ordered the defendant be held without bail. That decision came only after he had broken into the victim's residence three other times.

“Any law that allows a known abuser to continually harass their victim in this way is clearly broken,” **Serino continued.** *“No one here today believes that any New Yorker should be held behind bars simply because of an inability to pay, but all of us believe that ensuring public safety, and protecting the most vulnerable among us, is a fundamental function of government—a function the state is absolutely failing to perform. To not consider dangerousness is irresponsible and negligent, and it is time to reverse this policy.”*

In 2019, Senator Serino introduced a bill in response to New York's wide sweeping bail changes that would expressly allow judges to consider a perpetrators' dangerousness when determining whether a defendant should be held pre-trial. Senator Serino noted today that she still carries that bill, and with public officials again highlighting the importance of this change, Senator Serino urged her colleagues to consider advancing the legislation as soon as possible.

To view the event in full, [click here](#).

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