



NEW YORK STATE SENATOR

Mario R. Mattera

## Senator Mattera Joins Senator Republican Conference To Push For Constitutional Amendment To Enable Public To Recall District Attorneys

MARIO R. MATTERA June 15, 2022

| ISSUE: PUBLIC SAFETY, PUBLIC RECALL, DISTRICT ATTORNEY, SENATE REPUBLICAN CONFERENCE



Senator Mario R. Mattera (2<sup>nd</sup> Senate District) joined with Senate Republican Leader Rob Ortt and Assembly Republican Leader Will Barclay to introduce a [constitutional amendment \(S.9484\)](#) to establish public recall elections for District Attorneys who refuse to enforce the law and champion soft-on-crime policies that are exacerbating a rise in violent crime throughout New York State.

“Our residents must have faith that those they elect to ensure their safety are committed to doing their jobs. And, if that trust is betrayed, they must have the ability to take action and make changes. This legislation will give our residents the power they deserve to control their state and their community and I am proud to join with Leader Ortt and Leader Barclay in making sure our residents have the voice they are entitled to,” stated Senator Mattera.

Recently, [San Francisco voters voted to recall](#) soft-on-crime District Attorney Chesa Boudin after drastic increases in crime throughout the city. Progressive Manhattan District Attorney Alvin Bragg has followed a [similar soft-on-crime policy](#), despite the increase in violent crime throughout New York City.

New York State does not currently have recall elections, but the Governor has the authority to remove District Attorneys who fail to do their jobs and enforce the law. Earlier this year, Legislative Republicans urged Governor Kathy Hochul to remove Manhattan District Attorney Alvin Bragg for instituting a policy urging prosecutors to avoid seeking jail time for all but the most serious crimes.

Under the proposed amendment, a recall could be initiated by a petition delivered to the State Board of Elections which alleges the reason for recall which is signed by voters within the county equal to twenty percent of the last vote for the District Attorney. An election to determine whether to recall the District Attorney would be held between 60 and 80 days from the date of certification of sufficient signatures by the State Board of Elections.

“Any district attorney who fails to make crime victims their number one priority has no business serving the public. Their job is to enforce the law and prosecute those who break it. This disturbing trend of progressive, soft-on-crime District Attorneys – including Manhattan DA Alvin Bragg here in New York – refusing to prosecute crime has got to stop. If Governor Hochul won’t do the right thing, and remove him from office, New Yorkers should have the power to do so on their own,” said Senate Republican Leader Ortt.

“Public prosecutors who turn a blind eye to crime completely undermine the quality of life people are able to experience. District Attorneys have a duty to uphold the law and protect the community, two very basic responsibilities that are unfortunately being ignored with greater frequency. DAs who choose to act as political activists once they take office need to be held accountable. San Francisco was able to remove an official who put his own woke agenda ahead of the public’s best interest. We need to apply the same standard and have the same option here in New York,” said Assembly Republican Leader Barclay.

“District Attorneys are entrusted with the constitutional responsibility to enforce the criminal law which is essential to the securement of public safety. New York citizens should have the right to remove any DA who intentionally violates that oath,” said Senator Lanza.

“The duty of a district attorney demands the faithful execution of criminal prosecution in order to keep the public safe and seek justice for victims. When a DA refuses to carry out their duties to the detriment of the public, then that individual must be removed and replaced with someone willing to do the job. The horrific rise in crime we have seen in New York City and throughout the state directly correlates to weak laws and even weaker enforcement and prosecution. The ability to recall prosecutors who refuse to prosecute criminals offers New Yorkers a solution to these obvious failures we’ve seen in the system,” said Assemblyman Michael Tannousis, a former Assistant District Attorney in the Bronx.

The Senate Republican Conference has supported similar [legislation, sponsored by Senator Joseph Griffo](#), to institute recall elections for all statewide elected officials.

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#### RELATED LEGISLATION

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### **2021-S9484**

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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 providing for the recall of a district attorney

June 08, 2022

In Senate Committee [Rules](#)

Sponsored by [Robert G. Ort](#)

Do you support this bill?