



NEW YORK STATE SENATOR

Patricia Canzoneri-Fitzpatrick

## Senator Canzoneri-Fitzpatrick Unveils Legislation to Allow Judges to Weigh Dangerousness Before Releasing Offenders

PATRICIA CANZONERI-FITZPATRICK March 13, 2023

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

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ALBANY, NY – Senator Patricia Canzoneri-Fitzpatrick announced legislation that would give judges the ability to consider the dangerousness that a defendant poses to themselves, their victim, or the public when determining whether they should be held pre-trial. This announcement is in response to bi-partisan calls to amend the widespread reforms to New York’s bail laws that were passed in 2019 and have led to an unprecedented increase in crime and recidivism across New York State. Senator Canzoneri-Fitzpatrick offered the following

statement on the matter:

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*The people of New York State have felt the pain of our disastrous criminal laws for far too long. Since bail reform became the law of the land, there has been incredible bipartisan support behind amending some of the more extreme reforms - measures that, once put into practice, caused an unprecedented spike in crime and recidivism. Yet despite all of the so-called "changes" that have been implemented, our judges still do not possess the ability to set bail for an offender based on the potential risk they pose to the community. This has put victims and law-abiding citizens in harm's way repeatedly. This legislation would place the power of discretion back in the hands of our judges where it belongs. I urge my colleagues in the Senate and Assembly to act with urgency to pass this bill - we must put aside politics and work together to restore safety to our streets.*

When the new bail reform measures took effect on January 1, 2020, they severely limited judges' ability to set bail and restricted the ability of judges to consider defendants' criminal history, or the threat they may pose to another person. Canzoneri-Fitzpatrick's bill (S.5335) would expressly allow judges to consider a perpetrator's dangerousness when determining whether a defendant should be held pre-trial. Currently, the overwhelming majority of states allow judges to consider the dangerousness of a defendant when setting a securing order. Forcing judges to release dangerous offenders has proven to jeopardize public safety, especially the safety of victims of domestic violence. Additionally, prohibiting pre-trial detention in most cases also limits the ability to connect defendants with pre-trial services that would discourage recidivist behavior.

The bill is now sponsored in the Assembly by Assemblyman Ed Ra, who represents the 19<sup>th</sup> District. The Assemblyman offered the following statement:

*q*

*The unprecedented spike in crime in New York since bail reform has compromised our safety and security on a daily basis. Worse, it created a turnstile of allowing repeat criminals to be released from jail following their arrest. Restoring the ability for judges to make decisions based on dangerousness - a tenet of what a judge is supposed to do - will be a first and meaningful step in restoring public safety.*

The full text of the legislation [can be found here](#).

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#### RELATED LEGISLATION

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### 2023-S5335

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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 setting bail for defendants that pose a current physical threat to public safety

March 02, 2023

In Senate Committee [Codes](#)

Sponsored by [Patricia Canzoneri-Fitzpatrick](#)

Do you support this bill?