

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, LORIGO, MILLS, AND RATH**

Re: Urging the state to retain bail procedures for individuals charged with domestic violence.

WHEREAS, according to the CDC more than 1 in 3 women and 1 in 4 men report having experienced rape, physical violence, and or stalking by an intimate partner in their lifetime. Many of these crimes are carried out by repeat offenders, with the severity of the crime increasing over time; and

WHEREAS, bail reform has been encouraged by this honorable body and is expected to be considered as part of the agenda for the New York State Legislature this year; and

WHEREAS, some of the most significant reform is expected to eliminate the use of bail as a requirement for pretrial release for certain charges; and

WHEREAS, the America Bar Association (ABA) has called for the least restrictive bail conditions and a presumption of release pending trial, lending support for the elimination of bail requirements for many lower level crimes. However, the ABA also calls for state pretrial detention policies to be written to prevent a defendant's flight and to ensure public safety; and

WHEREAS, studies have shown that the likelihood is greatest for an individual to be killed in a domestic episode when an abused partner seeks to leave the relationship; and

WHEREAS, research conducted for the Federal Court System has also shown that recidivism rates for those charged with domestic violence crimes, such as assault, menacing, and stalking, is higher than those charged with violent crimes in general; and

WHEREAS, this honorable body urges the state to refrain from withdrawing bail requirements from people accused of domestic violence, or precursors to domestic violence such as harassment or violation of restraining orders, regardless of the severity of their actions; and

WHEREAS, every person going through the criminal justice system deserves the presumption of innocent until proven guilty; however, every victim deserves to be protected from their attacker especially when there is a heightened probability for a repeat offence or a more violent altercation; and

WHEREAS, the state should work towards protecting victims of domestic abuse, eliminating bail requirements for those accused of domestic violence crimes only serves to increase the likelihood of future attacks.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body implores the Governor and the State Legislature to include an exception in their bail elimination reform package that explicitly retains bail requirements for those charged with any level of domestic violence, or likely precursor thereto, charge; and, be it further

RESOLVED, that certified copies of this resolution be sent to every member of the New York State Legislature individually, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution