

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR LORIGO**

Re: Resolution urging the repeal of recent bail reform measures, increases in penalties for hate crimes motivated by antisemitism, and re-institution of bail eligibility for repeat offenders and hate crimes.

WHEREAS, in the past few years, the Democrat led legislature has made several changes to the criminal laws including changes to monetary bail policies, age of maturity for criminal convictions, discovery and disclosure requirements imposed on the prosecution, and adjustments to the parole process; and

WHEREAS, many of these changes have not been for the better and have resulted in increased crime across New York State as many repeat offenders are released from police custody without bail during the pretrial period and trampling of victims' sense of justice found at the conclusion of a trial; and

WHEREAS, NYS's bail reforms have eliminated the ability of judges to set monetary bail for many categories of criminal offenders, estimates indicate 90% of cases that were previously eligible for monetary bail are now no longer eligible and defendants are released without any option to impose bail, thereby allowing non-violent suspects, including repeat offenders, back in public shortly after arrest; and

WHEREAS, reforms further eased the parole process on criminals, significantly shortening jail sentences imposed by judges, following a trial decided by a jury of peers; and

WHEREAS, in addition speedy trial and discovery reforms were also imposed on courts and District Attorney's across the state, which has led to summary dismissals and standing prosecutorial policies electing not to prosecute entire categories of crimes due to the lack of manpower and related inability to comply with the new laws; and

WHEREAS, several pieces of legislation aim to rollback many of the recent changes to bail laws, reimpose bail eligibility for certain levels of criminal charges, and reform the parole system to keep violent criminals behind bars without parole; and

WHEREAS, the following pieces of legislation seek to repeal bail reform, increase the crimes eligible for bail at judicial discretion, and reforms the parole system to protect the safety of residents from convicted criminals:

- S.1523A – Repeals bail and discovery reform;

WHEREAS, failing to repeal the mistakes made with bail reform, several measures have been introduced to increase the crimes eligible for bail pursuant to judicial discretion:

- S.3842 - Adds certain offenses committed by a family member to the list of crimes qualifying for bail. This bill would include domestic violence crimes to the list of bail eligible crimes including all instances of aggravated family offences, such as reckless endangerment in the second degree, stalking in the second, third, and fourth degree, unlawful imprisonment in the first and second degree;
- S.6290 – Would make several categories of misdemeanors and felonies that would also fall into a category of hate crime eligible for bail;
- S.6153 - Ensures repeat offenders qualify for bail and pre-trial detention when the principal has been convicted of one or more misdemeanor or felony offenses;
- S.1521 – Relates to setting bail for defendants who pose a threat to public safety. This bill would provide judges with discretion when setting bail for defendants with prior felony convictions, prior failures to make an appearance in court, or to subsequent arrests while awaiting trial;

WHEREAS, additional penal code reform measures have been proposed to address needed parole reform, increase penalties for drive-by shootings that result in a death for their wanton disregard for the safety of others, ensuring that perpetrators of sexual offenses are not able to position themselves to be around vulnerable populations, and to ensure witnesses in criminal prosecutions cannot be intimidated into silence; and

- S.171 – Authorizes imposition of life imprisonment without parole sentence for persistent violent felony offenders. Persistent felons have three or more felony convictions;
- S.2565 – Relates to making a murder as the result of a drive-by shooting murder in the first degree. This bill strengthens penalties for those who indiscriminately terrorize innocent communities through drive-by shootings;
- S.2277 – Relates to requiring health care facilities to report incidents of a sexual offense to the departments of both health and education so as to alert healthcare providers and schools of employees who might present a danger to patients and students;
- S.6766 – Relates to protecting witnesses in criminal prosecutions from intimidation and threats by permitting the court to withhold disclosure of names and other information if the court finds on the record that such witness is subject to potential intimidation, violence, or threats;

WHEREAS, recent bail and parole reform efforts by the current New York State Legislature have not worked and are endangering residents. Our state elected officials must be willing to accept that failure and act to make it right. All of the above bills need to be considered, discussed, and made law by the New York State Legislature and Governor Hochul without further delay.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body stands with and supports victims of crimes and their families; and, be it further

RESOLVED, that this honorable body urges consideration and passage of the bills contained in this resolution; and, be it further

RESOLVED, that this honorable body hereby opposes the penal code and bail reforms imposed on New York State's court system in the past few years and calls for their immediate repeal; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Western New York delegation to the New York State Senate and Assembly, Governor Kathy Hochul, and any other party deemed necessary and proper.'

Fiscal Impact: None for resolution