**BAIL REFORM**

**PROBLEM**
New York counties outside of New York City provide and pay for the majority of criminal justice services for our state’s residents. Under current law, judges place monetary bail levels based on the “risk of flight” of the accused based on the facts of the case. New York State’s bail statute was adopted in 1970 and was designed to “reduce the un-convicted portion of our jail population.”

Research shows that “the cost of housing New Yorkers in county jails costs nearly $2.5 billion per year—$1.3 billion per year in New York City, and $1.15 billion per year in county jails across the rest of New York State,” according to Justice Leadership USA.

In a report published by the NYS Division of Criminal Justice Services, 66% of the NYS jail census are un-sentenced inmates (16,247 out of 24,463). In New York City, 77% of the jail population remains un-sentenced.

In August 2018, California became the first state to eliminate cash bail, with an effective date of October 2019. Washington D.C. is the only other municipality to eliminate cash bail.

**2020 EXECUTIVE BUDGET: PRE-TRIAL JUSTICE REFORM ACT**
The proposed budget amends various sections of law including enacting bail reform and pretrial detention reform, improving access to a speedy trial and expanding the discovery process. For the second consecutive year, the Executive Budget proposal seeks to eliminate monetary bail for people facing misdemeanor and non-violent felony charges. Unlike prior legislative attempts to eliminate monetary bail, this legislation places the cost burden on counties to fund pretrial services, including electronic monitoring. This legislation also repeals Article 240 of the Criminal Procedures Law and adds a new Article 245, Discovery. This legislation would require prosecutors and the defense to share information before a trial takes place. The Pre-Trial Justice Reform Act would take effect immediately. However, the effective date for amending bail would commence on November 1, 2020, and the amendments for speedy trail and the discovery process would commence 180 days after the bill is enacted.

**COUNTY RECOMMENDATIONS**
NYSAC supports efforts to reform cash bail returning people to society where services can be provided. Bail reform must be accompanied by state funding for the incremental costs associated with pretrial supervision, counsel at first appearance, district attorney costs for setting bail or release determinations, and collecting and transporting offenders who fail to present to court. Due to the 2% property tax cap, county taxpayers cannot fund new state mandated programs.

*For more information on the county position regarding this issue, visit www.nysac.org or call 518-465-1473 to speak to Ryan Gregoire, NYSAC Legislative Coordinator.*