

1 **2022 NYSAC Fall Seminar**
2 **Standing Committee on Public Safety**
3 **Resolution #3**
4

5 **Resolution Encouraging the State Legislature and Governor to Enact**
6 **Legislation to Provide Local Discretion on Pre-Sentence Investigations in**
7 **Plea Deals Resulting in Less than 1 Year Imprisonment**
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9 **WHEREAS**, currently, New York State Criminal Procedure Law (CPL) section 390.30
10 requires county probation departments to conduct investigations and complete pre-
11 sentence investigation (PSI) reports for the court; and
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13 **WHEREAS**, currently, the City of New York has the authority to decide whether a PSI
14 is necessary in these situations; and
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16 **WHEREAS**, counties also believe that this legislation will reduce the workforce
17 shortage and some of the current burden placed on Probation Departments, District
18 Attorney's Offices, Public Defender Offices, Sheriff's Offices, and the Courts by not
19 relaying on unnecessary PSI's prior to sentencing; and
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21 **WHEREAS**, this legislation will also ensure a common statement practice for the use
22 of PSIs across New York State when there is a plea agreement in place for local
23 incarceration of up to 365 days and will aide in expediting sentencing those defendants
24 who are incarcerated in county jails.
25

26 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
27 Counties (NYSAC) encourages the Governor and State Legislature to enact legislation
28 A.4998 (Paulin) that would correct a deficiency within the existing statute under the
29 very specific circumstances when a PSI report is not required regarding a sentence of
30 imprisonment of one year or less so long as the sentence was negotiated and agreed to
31 by the defendant, the district attorney, and the court at the time of a defendant's plea of
32 guilty; and
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34 **BE IT FURTHER RESOLVED**, the bill grants local probation department discretion
35 regarding the requirement of a pre-sentence investigation and written report would be
36 eliminated when a term of imprisonment for 365 days or less has been agreed upon by
37 the parties with consent of the judge as a result of a conviction or revocation of a
38 probation sentence; and
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40 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
41 of New York State encouraging member counties to enact similar resolutions; and
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43 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
44 the Governor of the State of New York, the New York State Legislature, and all others
45 deemed necessary and proper.