

STATE OF NEW YORK

6728

2023-2024 Regular Sessions

IN SENATE

May 5, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law and the executive law, in relation to
increasing the frequency of pretrial release data reporting

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 216 of the judiciary law, as
2 amended by section 1 of subpart G of part UU of chapter 56 of the laws
3 of 2022, is amended to read as follows:

4 5. The chief administrator of the courts, in conjunction with the
5 division of criminal justice services, shall collect data and report
6 every ~~[six]~~ four months regarding pretrial release and detention. Such
7 data and report shall contain information categorized by age, gender,
8 racial and ethnic background; regarding the nature of the criminal
9 offenses, including the top charge of each case; the number and type of
10 charges in each defendant's criminal record; whether the prosecutor
11 requested that the court fix bail, the amounts and forms of bail
12 requested by the prosecutor, and the amounts and forms of bail set by
13 the court; the number of individuals released on recognizance; the
14 number of individuals released on non-monetary conditions, including the
15 conditions imposed; the number of individuals committed to the custody
16 of a sheriff prior to trial; the rates of failure to appear and rearrest
17 disaggregated by the amounts and forms of bail set by the court; the
18 outcome of such cases or dispositions; the length of the pretrial
19 detention stay and any other such information as the chief administrator
20 and the division of criminal justice services may find necessary and
21 appropriate. Such report shall aggregate the data collected by county;
22 court, including city, town and village courts; and judge. The data
23 shall be aggregated in order to protect the identity of individual
24 defendants. The report shall be released publicly and published on the
25 websites of the office of court administration and the division of crim-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 inal justice services. The first report shall be published twelve months
2 after this subdivision shall have become a law, and shall include data
3 from the first six months following the enactment of this section.
4 Reports for subsequent periods shall be published every ~~[six]~~ four
5 months thereafter; provided that such triannual reporting period shall
6 begin on the effective date of the chapter of the laws of two thousand
7 twenty-three which amended this subdivision.

8 § 2. Section 837-u of the executive law, as amended by section 2 of
9 subpart G of part UU of chapter 56 of the laws of 2022, is amended to
10 read as follows:

11 § 837-u. The division of criminal justice services, in conjunction
12 with the chief administrator of the courts, shall collect data and
13 report ~~[annually]~~ triannually regarding pretrial release and detention.
14 Such data and report shall contain information categorized by age,
15 gender, racial and ethnic background; regarding the nature of the criminal
16 offenses, including the top charge of each case; the number and type
17 of charges in each defendant's criminal record; whether the prosecutor
18 requested that the court fix bail, the amounts and forms of bail
19 requested by the prosecutor, and the amounts and forms of bail set by
20 the court; the number of individuals released on recognizance; the
21 number of individuals released on non-monetary conditions, including the
22 conditions imposed; the number of individuals committed to the custody
23 of a sheriff prior to trial; the rates of failure to appear and rearrest
24 disaggregated by the amounts and forms of bail set by the court; the
25 outcome of such cases or dispositions; whether the defendant was represented
26 by counsel at every court appearance regarding the defendant's
27 securing order; the length of the pretrial detention stay and any other
28 such information as the chief administrator and the division of criminal
29 justice services may find necessary and appropriate. Such ~~[annual]~~
30 report shall aggregate the data collected by county; court, including
31 city, town and village courts; and judge. The data shall be aggregated
32 in order to protect the identity of individual defendants. The report
33 shall be released publicly and published on the websites of the office
34 of court administration and the division of criminal justice services.
35 The first report shall be published eighteen months after this section
36 shall have become a law, and shall include data from the first twelve
37 months following the enactment of this section. Reports for subsequent
38 years shall be published ~~[annually on or before that date]~~ every four
39 months thereafter; provided that such triannual reporting period shall
40 begin on the effective date of the chapter of the laws of two thousand
41 twenty-three which amended this section.

42 § 3. This act shall take effect immediately.