STATE OF NEW YORK

6438

2019-2020 Regular Sessions

IN SENATE

June 11, 2019

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the judiciary law, in relation to the reporting of pretrial data by the chief administrator

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

Section 1. Section 216 of the judiciary law is amended by adding a new subdivision 5 to read as follows:

5. The chief administrator of the courts shall request and receive data from every court where bail decisions are made and include all points of data specified in this subdivision. Such courts shall track and record such data in every case to provide quarterly reports, in the aggregate, to the office of court administration in a form decided by the office of court administration, in accordance with the provisions of this subdivision. The division of criminal justice services shall collect from all counties data related to pretrial detention and include related points of data specified in this section. The office of court administration, in conjunction with the division of criminal justice services, shall publish such data to the office of court administration's public website no later than the first of March, two thousand twenty-one, and annually thereafter. Such data shall include:

(a) the total number of cases in the system, both open and closed cases, disaggregated by county;

(b) the number of individuals released on recognizance, disaggregated by race, gender, county, and top charge;

(c) the number of individuals released on conditions, specifying the number of people ordered to electronic monitoring, the number of cases in which the order for electronic monitoring was extended beyond sixty days and the average length of time individuals spent on electronic monitoring, all disaggregated by race, gender, county, and top charge;

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

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(d) the number of individuals released on each form of bail, including the average bail amounts ordered, disaggregated by race, gender, county, and top charge;

(e) the number of individuals committed to the custody of a sheriff prior to trial either on bail or on remand, including the average length of pretrial detention and the average bail amount of persons committed to such custody, disaggregated by race, gender, county, and top charge;

(f) the number of individuals who post bail and the average length of time prior to bail payment, disaggregated by race, gender, county, and top charge;

(g) the number of cases resulting in each disposition, including acquittals, dismissals, plea convictions, or trial convictions, disaggregated by race, gender, county, and top charge;

(h) the rates of failure to appear and rearrest, disaggregated by county and top charge;

(i) the rates of modifications to securing orders, including the type and extent of any modifications, disaggregated by race, gender, county, and top charge;

(j) the average time it takes for a case to reach disposition (the average total time period between the filing of an accusatory instrument (or first court appearance where an appearance ticket has been filed) and the case disposition) disaggregated by county and top charge;

(k) average amount of fines imposed by the court at the disposition of the case, disaggregated by race, gender, county, and top charge;

(l) total number of people who were incarcerated due to a failure to pay a fine imposed; and

(m) any other such information deemed necessary and appropriate by the office of court administration.

§ 2. This act shall take effect January 1, 2020.