STATE OF NEW YORK

7313

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. STERN -- read once and referred 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:

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

5. The chief administrator of the courts, in conjunction with the division of criminal justice services, shall collect data and report every [~~six~~] **four** months regarding pretrial release and detention. Such data and report shall contain information categorized by age, gender, racial and ethnic background; regarding the nature of the criminal offenses, including the top charge of each case; the number and type of charges in each defendant's criminal record; whether the prosecutor requested that the court fix bail, the amounts and forms of bail requested by the prosecutor, and the amounts and forms of bail set by the court; the number of individuals released on recognizance; the number of individuals released on non-monetary conditions, including the conditions imposed; the number of individuals committed to the custody of a sheriff prior to trial; the rates of failure to appear and rearrest **disaggregated by the amounts and forms of bail set by the court**; the outcome of such cases or dispositions; the length of the pretrial detention stay and any other such information as the chief administrator and the division of criminal justice services may find necessary and appropriate. Such report shall aggregate the data collected by county; court, including city, town and village courts; and judge. The data shall be aggregated in order to protect the identity of individual defendants. The report shall be released publicly and published on the 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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inal justice services. The first report shall be published twelve months after this subdivision shall have become a law, and shall include data from the first six months following the enactment of this section. Reports for subsequent periods shall be published every [~~six~~] four months thereafter; provided that such triannual reporting period shall begin on the effective date of the chapter of the laws of two thousand twenty-three which amended this subdivision.

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

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

§ 3. This act shall take effect immediately.