STATE OF NEW YORK

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7596

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023
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Introduced by M. of A. CUNNINGHAM -- read once and referred to the
  Committee on Judiciary

AN ACT to amend the judiciary law and the executive law, in relation to
  providing for review of bail data reports by the state commission on
  judicial conduct

  **The People of the State of New York, represented in Senate and Assem-
  bly, do enact as follows:**

1   Section 1. Subdivision 3 of section 42 of the judiciary law, as added
2 by chapter 156 of the laws of 1978, is amended to read as follows:
3   3. **(a)** To request and receive from any court, department, division,
4 board, bureau, commission, or other agency of the state or political
5 subdivision thereof or any public authority such assistance, information
6 and data as will enable it properly to carry out its functions, powers
7 and duties.
8   **(b) With respect to the reports of the chief administrator of the**
9 **courts and the division of criminal justice services required under**
10 **subdivision five of section two hundred sixteen of this chapter and**
11 **section eight hundred thirty-seven-u of the executive law, to study such**
12 **reports for evidence of bias or prejudice by any judge or justice; and**
13 **where appropriate based on such reports, to initiate, investigate, and**
14 **hear complaints under section forty-four of this article and otherwise**
15 **comment on matters of bias and prejudice evidenced therein in its annual**
16 **reports pursuant to subdivision four of this section.**
17   § 2. Subdivision 5 of section 216 of the judiciary law, as amended by
18 section 1 of subpart G of part UU of chapter 56 of the laws of 2022, is
19 amended to read as follows:
20   5. The chief administrator of the courts, in conjunction with the
21 division of criminal justice services, shall collect data and report
22 every six months regarding pretrial release and detention. Such data and
23 report shall contain information categorized by age, gender, racial and
24 ethnic background; regarding the nature of the criminal offenses,

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

1 including the top charge of each case; the number and type of charges in
2 each defendant's criminal record; whether the prosecutor requested that
3 the court fix bail, the amounts and forms of bail requested by the
4 prosecutor, and the amounts and forms of bail set by the court; the
5 number of individuals released on recognizance; the number of individ-
6 uals released on non-monetary conditions, including the conditions
7 imposed; the number of individuals committed to the custody of a sheriff
8 prior to trial; the rates of failure to appear and rearrest; the outcome
9 of such cases or dispositions; the length of the pretrial detention stay
10 and any other such information as the chief administrator and the divi-
11 sion of criminal justice services may find necessary and appropriate.
12 Such report shall aggregate the data collected by county; court, includ-
13 ing city, town and village courts; and judge. The data shall be aggre-
14 gated in order to protect the identity of individual defendants. The
15 report shall be released publicly and published on the websites of the
16 office of court administration and the division of criminal justice
17 services. **Each report shall also be delivered to the commission on judi-**
18 **cial conduct.** The first report shall be published twelve months after
19 this subdivision shall have become a law, and shall include data from
20 the first six months following the enactment of this section. Reports
21 for subsequent periods shall be published every six months thereafter.
22   § 3. Section 837-u of the executive law, as amended by section 2 of
23 subpart G of part UU of chapter 56 of the laws of 2022, is amended to
24 read as follows:
25   § 837-u. The division of criminal justice services, in conjunction
26 with the chief administrator of the courts, shall collect data and
27 report annually regarding pretrial release and detention. Such data and
28 report shall contain information categorized by age, gender, racial and
29 ethnic background; regarding the nature of the criminal offenses,
30 including the top charge of each case; the number and type of charges in
31 each defendant's criminal record; whether the prosecutor requested that
32 the court fix bail, the amounts and forms of bail requested by the
33 prosecutor, and the amounts and forms of bail set by the court; the
34 number of individuals released on recognizance; the number of individ-
35 uals released on non-monetary conditions, including the conditions
36 imposed; the number of individuals committed to the custody of a sheriff
37 prior to trial; the rates of failure to appear and rearrest; the outcome
38 of such cases or dispositions; whether the defendant was represented by
39 counsel at every court appearance regarding the defendant's securing
40 order; the length of the pretrial detention stay and any other such
41 information as the chief administrator and the division of criminal
42 justice services may find necessary and appropriate. Such annual report
43 shall aggregate the data collected by county; court, including city,
44 town and village courts; and judge. The data shall be aggregated in
45 order to protect the identity of individual defendants. The report shall
46 be released publicly and published on the websites of the office of
47 court administration and the division of criminal justice services. **Each**
48 **report shall also be delivered to the commission on judicial conduct.**
49 The first report shall be published eighteen months after this section
50 shall have become a law, and shall include data from the first twelve
51 months following the enactment of this section. Reports for subsequent
52 years shall be published annually on or before that date thereafter.
53   § 4. This act shall take effect immediately.