STATE OF NEW YORK

6417

2023-2024 Regular Sessions

IN SENATE

April 18, 2023

Introduced by Sen. BAILEY -- 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 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 Assembly, do enact as follows:

Section 1. Subdivision 3 of section 42 of the judiciary law, as added by chapter 156 of the laws of 1978, is amended to read as follows:

3. **(a)** To request and receive from any court, department, division, board, bureau, commission, or other agency of the state or political subdivision thereof or any public authority such assistance, information and data as will enable it properly to carry out its functions, powers and duties.

(b) With respect to the reports of the chief administrator of the courts and the division of criminal justice services required under subdivision five of section two hundred sixteen of this chapter and section eight hundred thirty-seven-u of the executive law, to study such reports for evidence of bias or prejudice by any judge or justice; and where appropriate based on such reports, to initiate, investigate, and hear complaints under section forty-four of this article and otherwise comment on matters of bias and prejudice evidenced therein in its annual reports pursuant to subdivision four of this section.

§ 2. 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 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,

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

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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; 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 criminal justice services. **Each report shall also be delivered to the commission on judicial conduct.** 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 months thereafter.

§ 3. 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 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; 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. **Each report shall also be delivered to the commission on judicial conduct.** 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 thereafter.

§ 4. This act shall take effect immediately.