

# 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:

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.

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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.