

STATE OF NEW YORK

430

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the criminal procedure law and the executive law, in relation to establishing an office of pretrial services

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

1 Section 1. Subdivisions 1, 2, 4 and 5 of section 510.45 of the criminal procedure law, as added by section 8 of part JJJ of chapter 59 of the laws of 2019, are amended and three new subdivisions 1-a, 2-a, and 6 are added to read as follows:

2 1. The office of [~~court administration~~] pretrial services shall certify and [~~regularly~~] review for recertification every three years one or more pretrial services agencies in each county to [~~monitor principals~~] provide services to people released under non-monetary conditions. In order to be certified by the office, each pretrial services agency shall demonstrate that such agency has the ability to perform the responsibilities required of pretrial services agencies as described in subdivision three-a of section 500.10 of this title and meets the minimum standards established by the office of pretrial services as described in subdivision two-a of this section. Such office shall maintain a listing on its public website identifying by county each pretrial services agency [~~se~~] certified in the state, including a phone number and email contact information for each pretrial services agency.

3 1-a. If the office determines that it is appropriate to decertify a pretrial services agency pursuant to paragraph (n) of subdivision two of section eight hundred thirty-seven-y of the executive law, but no suitable alternative agency exists, the office may permit the existing agency to continue providing services on a probationary basis, and the office shall identify and impose appropriate remedies and remedial measures, where appropriate, to bring the agency back in line with minimum

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

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1 standards. Remedial measures may include, but shall not be limited to,
2 additional staff training, expanded supervision both within the agency
3 and from the office, and increased reporting requirements. If an agency
4 is placed on probation, the office shall reevaluate the agency every six
5 months for three consecutive periods. If there are no further infrac-
6 tions, then the agency shall be removed from their probationary basis.
7 If infractions are found, the agency shall continue on a probationary
8 basis until three periods are achieved without infractions.

9 2. Every such agency shall be [~~a public entity under the supervision~~
10 ~~and control of a county or municipality or~~] a non-profit entity under
11 contract to [~~the county, municipality or~~] one or more counties, muni-
12 icipalities, or the state, or a public entity under the supervision and
13 control of a county or municipality. [~~A county or municipality shall be~~
14 ~~authorized to enter into a contract with another county or municipality~~
15 ~~in the state to monitor principals under non-monetary conditions of~~
16 ~~release in its county, but counties,~~] A pretrial services agency may be
17 certified to provide services in more than one county. The office shall
18 identify and certify as a county's pretrial services agency a non-profit
19 entity able to fulfill the minimum standards set forth in subdivision
20 two-a of this section. If the office is unable to identify a non-profit
21 entity able to meet these requirements, the office may certify a public
22 entity. Counties, municipalities and the state shall not contract with
23 any private for-profit entity [~~for such purposes~~] to serve as a pretrial
24 services agency.

25 2-a. The office shall certify as pretrial services agencies only such
26 entities that meet the minimum standards set forth by the office. The
27 office may certify an entity that, by virtue of its relationships,
28 contracts, or other agreements, can demonstrate its ability to meet the
29 minimum standards in collaboration with other entities. The full and
30 complete set of minimum standards shall be determined by the office in
31 consultation with the advisory board, and shall include, but not be
32 limited to, the following:

33 (a) Demonstrated ability to support individuals released to super-
34 vision in complying with the terms of their release;

35 (b) Demonstrated ability to create individualized plans to support
36 individuals released to supervision that are informed by the results of
37 a comprehensive needs assessment that includes, but is not limited to,
38 the areas listed in paragraph (e) of this subdivision;

39 (c) Demonstrated ability to engage in sustained, reliable, and
40 supportive outreach to individuals released to supervision to ensure
41 they return to court, using the methods and in the settings that will
42 best meet the individual's needs;

43 (d) Demonstrated ability and capacity to support the number of indi-
44 viduals expected to be released to supervision;

45 (e) Demonstrated ability to connect individuals with available service
46 providers consistent with the requirements of an individual's pretrial
47 release, or their emergent needs and interests, including, but not
48 limited to, in the areas of mental health treatment, substance use
49 treatment, other medical treatment, emergency or transitional housing,
50 and workforce development;

51 (f) Demonstrated ability to ensure the protection of participating
52 individuals' personal information;

53 (g) Demonstrated ability to ensure organizational and staff completion
54 of training mandated by the office, and compliance with such training;
55 and

1 (h) For an agency seeking recertification pursuant to subdivision one
2 of this section, satisfactory completion of organizational and staff
3 training requirements and demonstrated history of successfully support-
4 ing individuals over the prior three years.

5 4. Supervision by a [~~pre-trial~~] pretrial services agency may be
6 ordered as a non-monetary condition pursuant to this title only if the
7 court finds, after notice, an opportunity to be heard and an individual-
8 ized determination explained on the record or in writing, that no other
9 realistic non-monetary condition or set of non-monetary conditions will
10 suffice to reasonably assure the [~~principal's~~] person's return to court.
11 Under no circumstances shall a person receiving pretrial services be
12 required to pay out-of-pocket for services provided or mandated by the
13 pretrial services agency, the office, or the court. Subject to appropri-
14 ations, services mandated by the office of pretrial services or the
15 court shall be eligible for funding from the office. Pretrial services
16 agencies shall make efforts to limit costs and other barriers to access-
17 ing mandated services.

18 5. [~~Each~~] The office of pretrial services shall gather information
19 from each pretrial [~~service~~] services agency [~~certified by~~] and the
20 office of court administration [~~pursuant to this section shall~~] at the
21 end of each year [~~prepare and file with such office an annual report,~~]
22 which the office of pretrial services shall compile, publish on its
23 website and make available upon request to members of the public. Such
24 reports shall not include any personal identifying information for any
25 individual [~~defendants~~]. Each such report [~~, in addition to other rele-~~
26 ~~vant information, shall set forth,~~] shall include but not be limited to
27 the following data disaggregated by each county served:

28 (a) the total number of [~~defendants~~] individuals supervised by the
29 agency during the course of the prior year;

30 (b) the length of time (in [~~months~~] days) each such person was super-
31 vised by the agency prior to acquittal, dismissal, release on recogni-
32 zance, revocation of release on conditions, [~~and~~] or sentencing;

33 (c) the race, ethnicity, age [~~and~~], sex and gender identity of each
34 person supervised, where available;

35 (d) the crimes with which each person supervised was charged;

36 (e) the number of persons supervised who were subsequently released on
37 recognizance;

38 [~~(e)~~] (f) the number of persons supervised for whom release conditions
39 were modified by the court, describing generally for each person or
40 group of persons the type and nature of the condition or conditions
41 added or removed;

42 [~~(f)~~] (g) the number of persons supervised for whom release under
43 conditions was revoked by the court, and the basis for such revocations;
44 and

45 [~~(g)~~] (h) the court disposition in each supervised case, including
46 sentencing information.

47 6. Pretrial services agency shall be responsible for conducting peri-
48 odic, individualized reviews for each individual case. Pretrial services
49 agencies shall conduct such reviews using best practices developed by
50 the office of pretrial services, and at intervals as determined by the
51 office of pretrial services. For each review, the pretrial services
52 agency shall determine whether the conditions of non-monetary release
53 imposed by the court should be modified or eliminated. If the pretrial
54 services agency's review concludes that a modification is warranted, the
55 agency shall make such a recommendation to the court. The court shall
56 review any recommendations to modify or eliminate the non-monetary

1 conditions the court imposed and make an individualized determination on
2 the record or in writing explaining the reasons for the court's determi-
3 nation and for any changes to the conditions imposed.

4 § 2. The executive law is amended by adding a new section 837-y to
5 read as follows:

6 § 837-y. Office of pretrial services. 1. There shall be in the divi-
7 sion of criminal justice services an office of pretrial services, here-
8 inafter in this section referred to as the "office".

9 2. The office shall have the following duties and responsibilities:

10 (a) to certify and contract with at least one agency providing
11 pretrial services in each county pursuant to section 510.45 of the crim-
12 inal procedure law;

13 (b) to develop application requirements and an application process for
14 entities seeking certification as a pretrial services agency, and to
15 make such application requirements and process publicly available. As
16 part of the application and selection process, the office may consider
17 input from local stakeholders;

18 (c) pursuant to and consistent with subdivision two-a of section
19 510.45 of the criminal procedure law, to develop, in consultation with
20 the advisory board, a comprehensive list of minimum standards that each
21 pretrial services agency must meet prior to becoming certified, and to
22 update and revise such minimum standards based on research, best prac-
23 tices, individual needs, or other relevant factors. The office shall
24 make such standards, including any revisions or updates to such stand-
25 ards, publicly available;

26 (d) to identify and disseminate best practices for the provision of
27 pretrial services that will maximize the likelihood that individuals
28 successfully attend court proceedings;

29 (e) to develop initial and ongoing training materials for staff work-
30 ing at pretrial services agencies, consistent with guidelines estab-
31 lished by the national association of pretrial services agencies. Train-
32 ing materials shall include but not be limited to relevant information
33 regarding pretrial laws in New York, cultural competency, trauma-in-
34 formed care, risk-needs responsivity, verbal de-escalation and crisis
35 intervention, overdose response, administration of overdose medication,
36 substance use disorders, mental health diagnoses, motivational inter-
37 viewing, foundational concepts of cognitive-behavioral therapy, and best
38 practices in community supervision. The office shall develop protocols
39 or best practices to ensure that all staff at pretrial services agencies
40 receive training concerning the state's pretrial laws, cultural compe-
41 tency, and trauma-informed care, and that staff receive additional
42 training that is appropriate based on their role and level of inter-
43 action with individuals under supervision. The office shall have the
44 authority to exempt individual staff members of a pretrial services
45 agency from specific training requirements if the office determines that
46 the individual staff member does not have direct, routine interaction
47 with the participants;

48 (f) to identify and disseminate evidence-based best practices for how
49 and when recommendations regarding the imposition of non-monetary condi-
50 tions are made to best ensure that people return to court, and to maxi-
51 mize the likelihood of success in the community;

52 (g) to identify or develop an appropriate questionnaire, instrument or
53 tool that meets the requirements for such questionnaire, instrument or
54 tool set forth in subdivision three of section 510.45 of the criminal
55 procedure law, and to develop best practices for use of such question-
56 naire, instrument or tool, that may be used in determining whether a

1 person poses a risk of flight to avoid prosecution in order to inform a
2 recommendation to the court regarding whether to impose non-monetary
3 conditions and, where necessary, on the types of conditions that would
4 be appropriate;

5 (h) to work with agencies providing pretrial services to establish and
6 implement the use of performance measures;

7 (i) to identify and develop solutions to address barriers to making
8 court appearances by:

9 (i) working with pretrial services agencies to identify common chal-
10 lenges and barriers to making court appearances in each county;

11 (ii) determining services needed to address the challenges and barri-
12 ers identified in subparagraph (i) of this paragraph including, where
13 necessary, by piloting new strategies to address these challenges using
14 national best practices and research from this and other fields; and

15 (iii) collaborating with other agencies, including the office of
16 mental health, the office of addiction services and supports, the office
17 for the prevention of domestic violence, the office of temporary and
18 disability assistance, and the department of health to develop strate-
19 gies for addressing the needs of those under pretrial supervision;

20 (j) to collect, receive and publish in a machine readable format on
21 the office's website on an annual basis the aggregate information and
22 data required pursuant to section 510.45 of the criminal procedure law
23 regarding the provision of services as well as any other aggregate
24 information or data identified by the office including, but not limited
25 to:

26 (i) any tool used to make decisions regarding placement with a
27 pretrial services agency and conditions of release, as well as the
28 research validating such tool and demonstrating that such tool is free
29 from discrimination on the basis of race, color, ethnicity, national
30 origin, age, disability, creed, religion, or sex, including sexual
31 orientation, gender identity, gender expression, pregnancy, pregnancy
32 outcomes, and reproductive healthcare and autonomy, or any other
33 protected class, as required under section 510.45 of the criminal proce-
34 cedure law;

35 (ii) the categories of supervision used by each pretrial services
36 agency and the number of individuals starting under each level or tier
37 where applicable, of supervision, disaggregated by race, sex, sexual
38 orientation, gender identity, age, and ethnicity, to the extent such
39 information is available;

40 (iii) pretrial failure to appear rates of individuals receiving
41 pretrial services, including the number who missed one or more court
42 dates, any information collected regarding reasons for failure to appear
43 collected by the pretrial services agency, how many individuals appeared
44 in court voluntarily following a failure to appear, how many warrants
45 for failures to appear were issued, and how many individuals were
46 detained pretrial or placed on electronic monitoring pretrial after a
47 failure to appear in court, broken down by race, sex, sexual orien-
48 tation, gender identity, age, ethnicity, pretrial services agency and
49 conditions of supervision, to the extent such information is available;

50 (iv) information on the pretrial rearrest of individuals receiving
51 pretrial services, including the number of individuals arrested and
52 charged with a new misdemeanor offense while released, the number
53 arrested and charged with a new non-violent felony offense while
54 released, and the number arrested and charged with a new violent felony
55 offense while released, the outcome of any rearrest, and how long after
56 release such arrests occurred;

1 (v) the types of services to which each pretrial services agency is
2 making referrals, any challenges identified in linking participants to
3 services and the names of the organizations to whom referrals are being
4 made;

5 (vi) information regarding any evaluation of a pretrial services agen-
6 cy conducted by the office;

7 (vii) information regarding persons placed on electronic monitoring
8 programs pretrial, including, but not limited to: the number of partic-
9 ipants; the demographics of the participant population, including race,
10 sex, sexual orientation, gender identity, age, and ethnicity; the charg-
11 es on which participants are ordered to the program; and the average
12 length of participation in the program, to the extent such information
13 is available; and

14 (viii) the average caseloads of staff providing such services;

15 (k) to request and receive from any department, division, board,
16 bureau, commission or other agency of the state or any political subdivi-
17 vision of the state or any public authority such assistance, information
18 and data, subject to limitations on the disclosure of information, as
19 shall enable the office to properly carry out its functions, powers and
20 duties;

21 (l) to analyze and evaluate all collected data, and commission or
22 undertake any necessary research and studies, to improve the delivery of
23 pretrial services in a manner that is consistent with meeting the needs
24 and circumstances of each county and of the individuals receiving
25 services, ensuring the appropriate use of services, and preventing any
26 disparities based on an individual's needs or their membership in a
27 protected class;

28 (m) to work with the office of court administration to develop train-
29 ing materials for judges and court staff on research and other relevant
30 information regarding best practices on the use of pretrial services and
31 non-monetary release;

32 (n) to evaluate the performance of agencies providing pretrial
33 services, assist agencies to improve services where programs do not meet
34 performance standards set by the office, and decertify programs or place
35 programs on probation that remain unable to meet the standards;

36 (o) to assist local jurisdictions to regularly elicit feedback from
37 current and former recipients of pretrial services regarding the court
38 process, the services they received, recommendations to improve such
39 services, and any other information that the office deems appropriate;

40 (p) to investigate and monitor any other matter related to pretrial
41 services as needed;

42 (q) to develop recommendations regarding the distribution and expendi-
43 ture of any monies appropriated for pretrial services. In making such
44 recommendations, the office may consider, in addition to measures of
45 performance, the commitment of local resources to such services and the
46 changes thereto, the geographic balance of funding among the regions of
47 the state, population, crime rates, poverty rates and individual commu-
48 nity needs;

49 (r) to apply for and accept any grant or gift for any of the purposes
50 of the office. Any monies so received may be expended by the office to
51 effectuate any such purpose, subject to the same limitations as to
52 approval of expenditures and audit as are prescribed for state monies
53 appropriated for such purposes; and

54 (s) to target grants in support of innovative and cost-effective
55 solutions that enhance the provision of quality pretrial services,
56 including collaborative efforts serving multiple counties.

1 3. The office shall establish an advisory board on pretrial services.
2 The office shall determine the size and composition of such advisory
3 board; provided, however, that such advisory board shall include at
4 least one representative from a non-profit pretrial services agency
5 staff, at least two current or former recipients of pretrial services or
6 individuals who were otherwise previously involved in the criminal
7 justice system, the New York state association of pretrial services
8 agencies, probation departments providing pretrial services, the New
9 York state association of counties, and national experts or researchers
10 as needed. The advisory board shall meet no less than two times per
11 year. The advisory board's responsibilities shall include, but not be
12 limited to: providing the office with recommendations for establishing
13 the minimum standards required by subdivision two-a of section 510.45 of
14 the criminal procedure law; reviewing any recommendations developed by
15 the office for ensuring the appropriate use of pretrial services and
16 improving the services that individuals under supervision are provided;
17 and reviewing the data compiled annually by the office.

18 4. The office shall delegate to a city of one million or more respon-
19 sibility for collecting data from such agencies within such city's
20 jurisdiction.

21 5. Within amounts appropriated therefor, funding shall be made avail-
22 able to pay for pretrial services programs certified under this section
23 pursuant to criteria established by the office of pretrial services,
24 which shall take into consideration the local needs and resources, the
25 average number of people receiving such services at any one time, the
26 level of services required by individuals under supervision, and such
27 other factors as may be deemed necessary. Subject to appropriations,
28 pretrial services agencies that receive funding from a local government
29 or municipality shall be eligible for funding from the office of
30 pretrial services.

31 § 3. This act shall take effect one year after it shall have become a
32 law. Effective immediately, the addition, amendment and/or repeal of
33 any rule or regulation necessary for the implementation of this act on
34 its effective date are authorized to be made and completed on or before
35 such effective date.