

STATE OF NEW YORK

7451

2025-2026 Regular Sessions

IN ASSEMBLY

March 28, 2025

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 3 of part C of chapter 55 of the laws of 2024, is amended to
19 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.

LBD09114-01-5

1 including the top charge of each case; the number and type of charges in
2 each defendant's criminal record; whether a hate crime was charged;
3 whether the prosecutor requested that the court fix bail, the amounts
4 and forms of bail requested by the prosecutor, and the amounts and forms
5 of bail set by the court; the number of individuals released on recogni-
6 zance; the number of individuals released on non-monetary conditions,
7 including the conditions imposed; the number of individuals committed to
8 the custody of a sheriff prior to trial; the rates of failure to appear
9 and rearrest; the outcome of such cases or dispositions; the length of
10 the pretrial detention stay and any other such information as the chief
11 administrator and the division of criminal justice services may find
12 necessary and appropriate. Further, the chief administrator of the
13 courts shall collect data and report every month regarding pretrial
14 commitments to local correctional facilities. Such data shall include
15 but not be limited to age, gender, racial and ethnic background of the
16 principal; both beginning and end dates of pretrial commitment to the
17 custody of the sheriff; total days of pretrial commitment to the custody
18 of the sheriff; the type of commitment ordered by the court; the top
19 charge at arrest and arraignment; and whether the principal had been
20 previously released from custody in the case. Such report shall aggre-
21 gate the data collected by county; court, including city, town and
22 village courts; and judge. The data shall be aggregated in order to
23 protect the identity of individual defendants. The report shall be
24 released publicly and published on the websites of the office of court
25 administration and the division of criminal justice services. The
26 report shall also be delivered to the commission on judicial conduct.
27 The first report shall be published twelve months after this subdivision
28 shall have become a law, and shall include data from the first six
29 months following the enactment of this section. Reports for subsequent
30 periods shall be published every six months thereafter; provided, howev-
31 er, that the pretrial detention admissions and discharges report will be
32 published every month.

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

36 § 837-u. The division of criminal justice services, in conjunction
37 with the chief administrator of the courts, shall collect data and
38 report annually regarding pretrial release and detention. Such data and
39 report shall contain information categorized by age, gender, racial and
40 ethnic background; regarding the nature of the criminal offenses,
41 including the top charge of each case; the number and type of charges in
42 each defendant's criminal record; whether the prosecutor requested that
43 the court fix bail, the amounts and forms of bail requested by the
44 prosecutor, and the amounts and forms of bail set by the court; the
45 number of individuals released on recognizance; the number of individ-
46 uals released on non-monetary conditions, including the conditions
47 imposed; the number of individuals committed to the custody of a sheriff
48 prior to trial; the rates of failure to appear and rearrest; the outcome
49 of such cases or dispositions; whether the defendant was represented by
50 counsel at every court appearance regarding the defendant's securing
51 order; the length of the pretrial detention stay and any other such
52 information as the chief administrator and the division of criminal
53 justice services may find necessary and appropriate. Such annual report
54 shall aggregate the data collected by county; court, including city,
55 town and village courts; and judge. The data shall be aggregated in
56 order to protect the identity of individual defendants. The report shall

1 be released publicly and published on the websites of the office of
2 court administration and the division of criminal justice services. Each
3 report shall also be delivered to the commission on judicial conduct.
4 The first report shall be published eighteen months after this section
5 shall have become a law, and shall include data from the first twelve
6 months following the enactment of this section. Reports for subsequent
7 years shall be published annually on or before that date thereafter.
8 § 4. This act shall take effect immediately.