



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan Joins Colleagues in Calling for Changes to Discovery Law

JIM RANNEY March 28, 2025

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### 2019 Reforms Have Made Prosecution of Perpetrators More Difficult

Senator Patrick M. Gallivan, (R-C, Elma) and members of the Senate Minority Conference are urging the Governor and Legislature to include substantive discovery reforms in this year's final budget. The group highlighted the need to fix the broken criminal justice system and equip those who work in law enforcement with the tools needed to protect victims, families, and communities.

Criminal justice reforms approved in 2019 included changes to the state's discovery law, often leading to lengthy delays in the prosecution process and resulting in some cases being dismissed on technicalities.

"Like so many other changes made to our criminal justice system in recent years, discovery reform went too far, prioritizing criminals over law-abiding citizens and crime victims," Senator Gallivan said. "Too many criminal cases are being dismissed on technicalities, regardless of the circumstances. We need to fix our discovery laws as part of this year's budget and ensure that law enforcement and prosecutors have the tools necessary to hold perpetrators accountable and better safeguard our communities."

District Attorneys are also asking for revisions to the current law.

"I, along with District Attorneys across New York State, continue to work tirelessly to comply with our discovery obligations to justly and swiftly prosecute all persons accused of a crime," said Erie County DA Michael J. Keane. "We're seeking common sense modifications to the current law that will allow judges to consider whether an alleged discovery violation has prejudiced a criminal defendant while protecting the rights of the accused and limiting procedural delays. A dismissed case or a reduced plea based on a discovery-related technicality and unrelated to the merits of the case robs victims of justice and allows criminals to escape accountability."

As budget negotiations continue between the Governor's office and Legislative leaders, the Senate and Assembly One House Budgets passed last week, omitted language that would have modified the state's discovery laws as proposed in the Governor's Executive Budget.

The deadline for adopting a new budget is April 1.

