



NEW YORK STATE SENATOR

Thomas F. O'Mara

Mandate relief legislation O'Mara co-sponsors to relieve counties of indigent defense costs gets final OK

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Albany, N.Y., June 17—The New York State Legislature has given final legislative approval to important mandate relief legislation co-sponsored by Senator Tom O'Mara (R,C,I-Big Flats) that will require the state to stop passing the cost of legal defense services for the poor, commonly known as “indigent defense,” to counties.

The legislation ([S8114/A10706](#)) will phase in a state takeover of the full cost of indigent defense by 2022. It was approved by the Senate yesterday and received Assembly passage tonight. It now goes to Governor Andrew Cuomo to be signed into law.

“This legislation to get county governments and local property taxpayers out from under this unfunded state mandate marks a significant mandate relief action,” said O'Mara. “We need to take actions like this one if we're ever going to truly transform the state-local partnership and lead the way to a future of property tax cuts for our local taxpayers.”

O'Mara said that the move to relieve counties locally and statewide of this unfunded state mandate, which earlier this year was identified by the [New York State Association of Counties \(NYSAC\)](#) as one of its top mandate relief priorities, would save counties statewide nearly \$155 million a year.

A 1963 Supreme Court ruling in *Gideon v. Wainwright* required states to provide legal defense for criminals who cannot afford to hire their own lawyers. New York

State began passing along most of the costs associated with that 1963 ruling to counties in 1965, a mandate which has caused an increasingly severe strain on local budgets and property taxpayers over the past half century.

According to NYSAC in “[**Real and Permanent Mandate Relief**](#),” report released earlier this month, “The decision to place responsibility at the county level in the State of New York has resulted in a system that burdens property taxpayers with the majority of the costs for indigent defense, despite the fact that the constitutional right to counsel under Gideon is a state, not county, obligation. The state can improve the public defense system by incrementally increasing state funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965.”

Since the state’s enactment of the two-percent local property tax cap in 2011, O’Mara has been outspoken in his criticism that the state, as promised, has not followed through on its commitment to meaningful relief for counties from unfunded state mandates.

“When the tax cap was first enacted five years ago, Governor Cuomo promised that it would go hand in hand with rolling back the heavy burden of unfunded state mandates on local governments and school districts,” O’Mara said. “While there have been some important mandate relief actions since then, including long-term pension reform and the takeover of the growth in local Medicaid costs, not nearly enough has been done to ensure a future of long-term property tax reductions for local property taxpayers.”

Watch more on Time Warner Cable News from earlier this year, [**"Senator O'Mara Pushing for Mandate Relief in County Budgets"**](#)