



NEW YORK STATE SENATOR

James Tedisco

## Tedisco, Walsh: “Hit the Pause Button on Bail Reform and Get Out-of-Jail-Free Cards” for Criminals

SENATOR JIM TEDISCO November 12, 2019



Senator Jim Tedisco (R,C,I,REF-Glenville) and Assemblywoman Mary Beth Walsh (R,C,I-Ballston) today announced new legislation they are sponsoring to hit the pause button on the far-reaching bail and discovery reform legislation that was hastily passed earlier this year and which takes effect on January 1, 2020.

Senator Tedisco and Assemblywoman Walsh’s legislation, which they will be introducing and circulating this week for co-sponsorship among their colleagues in the Senate and Assembly,

will seek a one-year moratorium on the bail and discovery reform law so statewide hearings can be held in all 10 regions of the state to hear from all criminal justice experts and stakeholders including district attorneys, law enforcement, victims, victims' advocates and domestic violence prevention advocates and other citizens.

Tedisco and Walsh were joined with bi-partisan support from law enforcement from Saratoga County Sheriff Michael Zurlo, Saratoga County District Attorney Karen Heggen, Schenectady County District Attorney Robert Carney, Fulton County Sheriff Richard Giardino, Fulton County District Attorney Chad Brown, and Regina and Michael Stewart, parents of the late Shenendehowa High School student Christopher F. Stewart, who was tragically killed, along with Deanna Rivers, in 2012 by a drunk and drugged driver, to call on the legislature to return to Albany for a special session to address bail and discovery reform before the end of the year.

"Justice delayed is justice denied but it can also be said that justice rushed is also justice denied! That is what, as they are evaluated more fully, will be the effect of the so-called 'criminal justice reform' proposals that become the law in New York State as of January 1, 2020," said Senator Jim Tedisco, who not only voted against the changes but also held several press conferences to sound the alarm over them prior to their passage. "We need to hit the pause button and have a one-year moratorium on the bail and discovery law reforms to keep the scales of justice in place in a rational, fair and truly balanced way. As of January 1<sup>st</sup>, they will be balanced in favor of the perpetrators and against the victims, thereby creating a 'criminal bill of rights' and effectively issuing 'get-out-of-jail-free cards' for criminals. If the legislature does not come back before the end of this year to address this urgent public safety matter and pass a one-year moratorium on bail reform, I fear a tragedy may occur where a perpetrator is released back into the community on bail and ends up committing a violent crime."

"I have been extremely concerned with the Criminal Justice 'reforms' since they were first introduced and hastily jammed through the middle of the night as part of the 2019 budget. We are quickly approaching the January 1<sup>st</sup> deadline at which sweeping changes, including bail and discovery reform, will go into effect statewide. This one-size-fits-all solution is designed to benefit the downstate criminal justice system, and will inadvertently burden upstate courts and law enforcement while also putting public safety at risk," said Assemblywoman Walsh. I am pleased to join Senator Tedisco in sponsoring legislation that would halt the implementation of these changes and allow for a one-year moratorium to hear from the seasoned professionals from throughout the state that can help us create reforms without jeopardizing the safety of New York residents."

"I'm not opposed to criminal justice reforms, but they should be done in a sensible way and the state should have done a much better job of engaging input from all parties involved including law enforcement and not have rushed bail and discovery reform through the legislature in such a ham-handed way. I support Senator Tedisco and Assemblywoman Walsh's common sense legislation for a one-year moratorium so we can get it right and not put the safety of our citizens at risk," said Saratoga County Sheriff Michael Zurlo.

"The NYS criminal justice reforms scheduled to go into effect January 1, 2020 will drastically curtail efforts to achieve justice for our communities by taking away judges' discretion to consider risk of safety to the community when arraigning defendants charged with serious crimes. These reforms also impose on prosecutors an unrealistic, exponential increase in the speed and amount of information required to be provided, without any resources to support such changes," said Saratoga County District Attorney Karen Heggen.

"These sweeping criminal justice reforms were enacted in the budget without any input from the professionals who work in the criminal justice system: police, prosecutors, defenders, and judges. Although we are planning for these changes, I question our ability to

meet these new mandates with the resources and limited time left before they take effect. A one year moratorium to study these impacts and to educate New Yorkers about how these laws will affect everyone is an excellent idea,” said Schenectady County District Attorney Robert Carney.

“When something sounds like a bad idea, it usually is. When it gives you a giant pit in your stomach it’s proof enough to stop, think and not make a hasty decision. Especially one that is long lasting and effects the entire state of New York. The new law to release perpetrators of serious offenses with a simple appearance ticket needs further discussion and scrutiny. We should know, we lost our son Christopher as a direct result of the actions of an impaired, distracted driver. As Senator Tedisco and Assemblywoman Walsh have said, more time needs to be spent thinking this through to discuss the potential impact it will have on all of us. Encompassing a broad spectrum of crimes, especially ones where obvious proof of recklessness abounds is not in the best interest of any New Yorkers. Perhaps our current laws need updating, they may be antiquated, but this one just opens the flood gates to more problems rather than less. It feels to us like we are moving in the wrong direction completely,” said Regina and Michael Stewart, parents of Christopher Stewart, who was killed at age 17 by a drunk and drugged driver.

The law as written takes the handcuffs off the accused and places them on the police and prosecutors. Bail and discovery reform is commendable and necessary. However, these laws as written will wreak havoc on the system and shift over 30 years of the strengthening of victims’ rights to re-victimizing the victims. A one-year moratorium will allow for a reset and protect both victims and accused,” said Fulton County Sheriff Richard Giardino.

“The bail and discovery reforms that will take effect in January are deeply concerning and pose a threat to public safety. As Fulton County District Attorney, I am wholly in favor of a moratorium as proposed by Senator Jim Tedisco and an actual discussion of the law and

what issues it presents,” said Fulton County District Attorney Chad Brown.

A list of crimes that a defendant must be released from custody without bail on starting January 1<sup>st</sup> is attached.