



NEW YORK STATE SENATOR

Susan Serino

SERINO: JUDICIAL DISCRETION ISN'T ABOUT PARTISAN POLITICS, IT'S ABOUT PUBLIC SAFETY

[Susan Serino](#)

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ISSUE:

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ALBANY, NY—Last fall, flanked by a bi-partisan group of domestic violence victim advocates and members of the law enforcement community, Senator Sue Serino was the first to announce the introduction of legislation that would give judges the ability to consider the dangerousness of a defendant when determining whether they should be held pre-trial. Following a recent rush of bi-partisan calls for this exact type of amendment to be made, Senator Serino today continues to urge Albany’s legislative leaders to make the passage of this bill a top priority when session reconvenes Wednesday.

Senator Serino said, *“To not give judges the ability to consider the dangerousness of a defendant before releasing them directly into a community defies logic and puts public safety in jeopardy. Not even a week into the New Year, and we are already seeing the real consequences of this rush to reform. Making this important change is not about partisan politics, it’s about public safety. My bill had bi-partisan support when I introduced it, and already calls are piling up from across the political spectrum to make this commonsense amendment. Today, I am urging my colleagues in the Senate and the Assembly to truly hear the voices of their constituents and make the passage of this bill a top priority.”*

When the new bail reform measures took effect on January 1, 2020, they severely limited judges’ ability to set bail, only allowing them to do so if they determine that a defendant is a flight risk. A defendant’s criminal history, or the fact that they may pose a clear physical threat to another person, cannot be considered. Serino’s bill ([S.](#)

[6840](#)) would expressly allow judges to consider a perpetrators' dangerousness when determining whether a defendant should be held pre-trial.

Currently, New York is one of only four states that do not allow judges to consider the dangerousness of a defendant when setting a securing order. Proponents of the new bail law have argued that New Jersey recently passed "essentially" the same changes, and have seen a reduction in crime as a result. However, New Jersey ultimately did include measures to allow judges to conduct risk assessments before release based on the defendants' criminal history and the severity of the charges—a measure that is missing from New York's new bail laws.

The bill is now sponsored in the Assembly by esteemed victims' advocate, Assemblywoman Amy Paulin.

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related legislation

[2019-S6840](#)

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- Introduced
 - In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - ◦ On Floor Calendar Senate
 - ◦ Passed Assembly
 - ◦ Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

[Relates to setting bail for defendants that pose a current physical threat to public safety](#)

November 08, 2019

In Senate Committee [Codes](#)

Sponsored by [Susan Serino](#)

Do you support this bill?

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Aye

Nay