



NEW YORK STATE SENATOR

Jen Metzger

Senator Metzger Co-Sponsors Bill Amending Bail Reform Law to Allow Judges To Consider Public Safety in Pre-Trial Detention

JEN METZGER January 15, 2020

| ISSUE: **BAIL REFORM**

Hudson Valley and Catskills... Senator Metzger (SD-42) announced today that she is co-sponsoring a bill ([S7156](#)) that would give judges the ability to determine if a person should be held pre-trial without bail based on their individualized assessment of public safety and potential flight risks. The bail reform law passed in the last legislative session and enacted on January 1 of this year eliminated bail for most misdemeanor offenses and non-violent felonies.

“The bail reform law passed last year sought to fix a system that everyone, including DAs and law enforcement, agreed was flawed, but the new law needs changes to better protect public safety,” **said Metzger**. “I have been meeting with stakeholders throughout my district on the reforms, and I believe we can strike the right balance. The bill I’m co-sponsoring upholds fairness and the principle of “innocent until proven guilty” while also permitting judges to detain individuals who pose a public safety or flight risk, making our communities more secure. The old bail system was neither fair nor safe; innocent people would be detained in prison while dangerous individuals got to go home before their court date—people like accused rapist Harvey Weinstein—depending on whether they can afford bail.”

A former Rosendale Town Councilwoman and liaison to her Town's police commission, Metzger has also called for state funding to enable local law enforcement and local courts to cover the additional costs of criminal justice reforms undertaken last year, including discovery reform.

Chief Dominick Blasko, Chief of Police for the Town of Crawford Police Department and President of the Police Chiefs Association of Orange County said, “We are encouraged by Senator Metzger’s sign-on to this proposed legislation and believe it will benefit the criminal justice system’s ability to protect victims and our communities. This is a step in the right direction.”

Dave Clegg, Ulster County District Attorney said, “I applaud Senator Metzger for having the right conversations with all the appropriate stakeholders on this issue. The current cash bail reform law, although well intended, leaves open the possibility that persons charged with non-qualifying offenses, who present a very high risk of flight or pose a serious threat of physical danger to another person or persons, will be released pending trial. I support the Senator signing Senate bill S7156 which eliminates cash bail while providing for pre-trial detention when needed to protect public safety and which includes appropriate due process protections for defendants.”

Sheriff Juan Figueroa, Ulster County Sheriff said, “The recent Bail reform included numerous unintended consequences. I agree with the premise of sensible bail reform , however we must be cognizant of the victims and their families. Public safety is at the forefront of law enforcement, a criminal justice system that is fair to all people is what we strive for. I support amending the Bail reform bill and commend Senator Metzger for her efforts.”

Meagan Galligan, Acting Sullivan County District Attorney said, "I am pleased that Senator Metzger is joining other lawmakers in recognizing the urgent and pressing need for our Legislature to address the deficiencies of the current 'bail reform' statute. I will continue to advocate for a common sense bail statute that takes into consideration a defendant’s risk of

flight and the danger a criminal defendant poses to public safety and vests prosecutors and judges with the discretion to make individualized bail determinations in every case."

Chief William J. Worden, Chief of Police for the City of Port Jervis said, "I greatly appreciate the efforts of Senator Metzger to work with myself and regional law enforcement officials to address reinstating judicial discretion. Enacting legislation that permits judges to consider evidence pertaining to a defendant's flight risk, dangerousness to the community, or order electronic monitoring of potentially dangerous offenders is vital to ensure that crime victims and our communities are protected."

In addition to the judicial discretion bill, Senator Metzger is also co-sponsoring a bill introduced by Senator Skoufis ([S7110](#)) strengthening electronic monitoring provisions. The bill would allow judges the ability to require electronic monitoring for defendants charged with misdemeanor offenses who have previously been convicted of a violent felony.

RELATED LEGISLATION

2019-S7156

-
- 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 the elimination of bail and providing for pretrial detention; repealer

January 09, 2020

In Senate Committee [Codes](#)

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Do you support this bill?

2019-S7110

- 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 the electronic monitoring of persons charged with certain crimes

January 06, 2020

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Do you support this bill?