



NEW YORK STATE SENATOR

Michael Gianaris

## Senate Deputy Leader Gianaris Announces Senate Passage Of Legislation To Limit Arbitrary Detention, Introduced Following NYPD Abuses During George Floyd Protests

MICHAEL GIANARIS January 20, 2021

| ISSUE: **HABEAS CORPUS**, **BLACK LIVES MATTER**, **BLM**, **NYPD**, **GEORGE FLOYD**



ALBANY – Senate Deputy Leader Michael Gianaris announced his [legislation \(S. 1184\)](#) to protect the rights of New Yorkers detained by law enforcement passed the Senate today.

“One of the most egregious violations of civil liberties is the suspension of habeas corpus – one of the most fundamental rights in the United States which requires specific grounds for

detention,” said **Senate Deputy Leader Michael Gianaris**. “Preserving that right against police overreach is crucial to the rule of law and this legislation is critical to ensuring it is protected.”

Last June, the New York City Police Department (NYPD) asked for the suspension of the right for a defendant to be arraigned within 24 hours due to the high volume of arrests made during protests in the wake of the George Floyd murder. New York City Criminal Court Judge James Burke agreed with the NYPD and allowed a blanket exception to normal habeas corpus rules. Senator Gianaris’ legislation would correct this injustice and require specific grounds to be presented for one’s detention within 24 hours of arrest.

The Assembly companion bill will be carried by Assembly Member Diana Richardson, who herself was pepper-sprayed by police officers during a protest following the death of George Floyd.

Attorneys with the New York Legal Aid Society had presented the original writ while representing the protestors. The Legal Aid Society worked in tandem with Senator Gianaris to draft this legislation, strengthening protections around habeas rights.

**Russell Novack, Staff Attorney with the Special Litigation Unit at the Criminal Defense Practice at The Legal Aid Society**, said “This past June, hundreds of New Yorkers arrested at the George Floyd demonstrations were detained by the NYPD for well over 24 hours, deprived of their right to be swiftly brought before a judge. As a result, people merely accused of committing a crime were forced into cramped cells, at an increased risk of contracting COVID-19. This legislation will codify the protections secured in the landmark Roundtree case, which set a 24-hour rule for pre-arraignment detention. The Legal Aid Society thanks Senator Michael Gianaris for sponsoring this important legislation to protect against abuses that disproportionately impact black and brown people.”

## 2021-S1184

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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
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Relates to detaining persons for longer than twenty-four hours

January 08, 2021

In Assembly Committee

Sponsored by **Michael Gianaris**

Do you support this bill?