



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan Renews Call to Fix Bail Reform Law

JIM RANNEY July 9, 2021

| ISSUE: **BAIL REFORM. PUBLIC SAFETY**



Senator Patrick M. Gallivan (R-C-I, Elma) is once again calling on his colleagues in the NYS Legislature to fix dangerous changes made to the state's criminal justice system, including bail reform, which took effect on January 1, 2020. The former State Trooper and Sheriff of Erie County is proposing legislation to prevent the most dangerous offenders from being released from jail and potentially committing additional crimes.

"Over the past 18 months we have seen instances where dangerous individuals, including some previously convicted of violent crimes, have been released because of changes to our

bail system, only to commit additional crimes and victimize our communities yet again,” Senator Gallivan said. “These new policies favor offenders over law-abiding citizens and have led to a sense of lawlessness, where those perpetrating these crimes have no fear of being held accountable for their actions.”

Bail reform legislation has eliminated cash bail and pre-trial detention for most offenses. A defendant’s criminal history, or the fact that they may pose a clear physical threat to another person or to the community at large, cannot be considered, creating a system in which an offender is likely sent back into the community, unsupervised and able to come into contact with their victim, the victim’s loved ones, and others.

Senator Gallivan has proposed a bill (S.6947) which would expressly allow judges to consider a perpetrators’ dangerousness, utilizing a risk assessment tool to determine the suitability of bail when determining whether a defendant should be held pre-trial. 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.

“Some changes to our bail system were warranted, but we must ensure that safeguards are in place to better protect our communities and law-abiding residents,” Senator Gallivan said.

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#### RELATED LEGISLATION

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**2021-S6947**

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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 setting bail for defendants that pose a current physical threat to public safety

May 20, 2021

In Senate Committee Finance

Sponsored by Susan Serino

Do you support this bill?