



NEW YORK STATE SENATOR

Elijah Reichlin-Melnick

Senator Elijah Reichlin-Melnick and Assemblywoman Sandy Galef announce legislation letting judges set bail for people charged with illegal gun crimes alongside Rockland County Sheriff Lou Falco, District Attorney Tom Walsh, and local Police Chiefs

ELIJAH REICHLIN-MELNICK August 18, 2021



**NEW CITY, NY** - Senator Elijah Reichlin-Melnick and Assemblywoman Sandy Galef were joined by Rockland County Sheriff Lou Falco, District Attorney Tom Walsh, and local Police Chiefs to announce newly introduced legislation ([S7259](#)) that will allow for judges to set bail for anyone charged with illegal sale, use or possession of a gun. The legislation would expand

upon revisions already made in 2020 to the 2019 bail reform laws passed by the state legislature, and make any offense related to the illegal sale, use, or possession of a firearm eligible for cash bail. As gun violence has sharply risen across the nation and across the state of New York, this newly expanded discretion for judges would give law enforcement a critical tool to keep those involved with gun violence off of the streets while awaiting trial, which is why police chiefs, sheriffs, and district attorneys have advocated for this reform.

*q*

*State Senator Elijah Reichlin-Melnick (D-Rockland/Westchester) said, “Around the country, gun violence is on the rise. We must provide our partners in law enforcement with the tools they need to protect our neighborhoods from the threat of gun violence. When I took office in January, I immediately began conversations with local law enforcement to understand the obstacles they face in combating gun violence, and this bill is the result of those conversations.*

*We have seen time and again that gun violence proliferates in a community through retaliatory attacks, and one of the ways that we can disrupt the wave of gun violence is by keeping those involved off of the street - for their own protection and for the protection of innocent bystanders.”*

**Assemblywoman Sandy Galef (D-Westchester)** said, “I am happy to partner with Senator Reichlin-Melnick to sponsor this legislation to provide judges the option to determine bail for those who have been charged with gun related violations. As we continue to evaluate the reform to our bail system, we need to be willing to make some changes to better protect our residents and communities from harm. Unfortunately, in our nation and in New York State we see a proliferation of gun violence. We must take legislative action to stem this terrible tide.”

**Rockland County Sheriff Lou Falco** said, “Gun violence across this state and this nation is unprecedented and as such our state legislature must go back to Albany, gather the statistics, and amend the bail reform with respect to “guns” and give our magistrates back the discretion to set bail in ALL matters concerning guns and gun violence.”

**Rockland County District Attorney Tom Walsh** *quote to be provided in future release.*

**South Nyack Police Chief Daniel Wilson, President of the Police Chiefs Association of Rockland County**, said “The Police Chief's Association of Rockland County wants to thank Senator Reichlin-Melnick for drafting this legislation and the State elected leaders that support it. New York State needs laws that protect society and protect the victims of violent crimes. This legislation allows for our Judges to consider a variety of factors and provide the opportunity to remand a dangerous individual that allegedly committed a serious offense. Amidst reports of rising violent crimes throughout New York, this legislation will give our criminal justice system a better opportunity to create safe streets and provide confidence to the citizenry that they are protected.”

In 2019, the New York State Legislature passed a sweeping set of reforms to the laws that govern the criminal justice system in the State of New York, including elimination of the cash bail system for certain offenses. These reforms were intended to fix an unequal system that forced poor defendants to wait for trial in jail while richer defendants could pay bail and await trial at home. In 2020, the Legislature enacted a series of reasonable changes to the bail reform law designed to maintain the core components of reform while recognizing the need to provide at least some flexibility when certain criminal violations are at issue. This bill builds on those efforts by adding certain firearm offenses to the list of offenses that qualify for bail.

New York is suffering through a steep rise in gun violence, with shootings and gun homicides up significantly compared to just a few years ago. In order to address this rise in gun crime, much of it committed with illegally acquired guns, judges need the discretion to set bail for people charged with crimes using illegal guns. Many individuals charged with the sale, use, or possession of illegal guns are involved in gangs or criminal enterprises, and requiring them to be released pending trial may pose further risks to the community.

The criminal justice reforms of 2019 brought needed change to the justice system and addressed long-standing racial inequities. Gun violence takes a particularly tragic toll on communities of color, so ensuring that the criminal justice system continues to protect communities from gun violence is imperative.

What the bill does:

- Adds to the list of bail eligible crimes, any crime under section 265 of the penal law involving illegal possession, use or sale, of guns (examples include: criminal possession of a firearm, criminal sale of a firearm to a minor)
- Judges would have the discretion to either release individuals charged with these crimes on their own recognizance or with non-monetary conditions, to set cash bail, or if the individual has been charged with felony possession, use, or sale of a gun, a judge could order the defendant held pending trial. This is the same discretion that judges currently have for many other violent felony offenses.
- If a defendant who has been charged with a felony has been released on their own recognizance, released with non-monetary conditions, or is out on bail pending a trial, their conditional release or bail can be revoked if a judge finds reasonable cause to believe they have committed any crime involving illegal possession, use or sale, of guns. The defendant can then be held for up to 72 hours pending a hearing on whether to fully

revoke their bail or release.

---

#### RELATED LEGISLATION

---

## 2021-S7259

---

- 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
- 

Includes certain violations involving the use of a firearm as qualifying offenses for the purpose of imposing bail

June 23, 2021

In Senate Committee [Codes](#)

Sponsored by [Elijah Reichlin-Melnick](#)

Do you support this bill?