



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo: Inclusion of public safety reforms in State budget because concerns were heard

SENATOR JOSEPH P. ADDABBO, JR. April 13, 2022

| ISSUE: **PUBLIC SAFETY, BUDGET, TERRY GIPSON, GUN VIOLENCE, ADDABBO**

Senator Joseph P. Addabbo, Jr. is pleased to announce the FY 2023 Enacted State Budget includes a number of public safety reforms to improve the protection of New Yorkers and make the criminal justice system more accountable. These changes allow judges to set bail for gun charges that previously only allowed for release, add circumstances judges must consider when setting bail for any bail-eligible offense, address Discovery and "Raise the Age" loopholes, improve the effectiveness of Kendra's Law, and provides \$90 million in new funding to support the implementation of discovery reform and pretrial services.

"I believe the safety reforms included in the adopted budget are the result of a coordinated response to strong concerns from residents, law enforcement, judges, and mental health experts," said Addabbo. "When it comes to the safety of New Yorkers, modifying components of bail reform was necessary in order to improve the safety and well-being of our communities," Addabbo added. "These reforms will protect victims of hate crimes and domestic violence, end the trafficking of illegal guns, appropriately deal with repeat offenders, and improve investments in mental health programs."

The Enacted Budget includes \$227 million to strengthen the prevention of gun violence. This includes \$13.1 million to expand the use of Community Stabilization Units, tripled investments in New York's SNUG outreach program, \$18 million in direct support to local law enforcement for gun violence prevention, \$20 million to respond to the aftermath of gun violence, and \$3 million for the Office of Gun Violence Prevention.

The enacted reforms will expand the list of factors that judges must consider when setting bail to include:

- Any previous violation of an order of protection, which currently only applies in domestic violence cases;
- History of gun use or possession, which currently only applies in domestic violence cases;
- Whether the charge is alleged to have caused serious harm to an individual or individuals.

Police would now be able to make arrests for all repeat offenses currently covered by the bail law. Those with repeat felonies and class A misdemeanors involving harm to a person or property will now be bail-eligible or arrest-eligible, as well as repeat theft of property offenses, with minimal exceptions for crimes of poverty. All hate crimes will become arrest-eligible if the individual is eighteen or older.

Judges can set bail for all felony gun offenses that are not currently bail-eligible including:

- Criminal sale of a firearm to a minor
- Criminal possession of a defaced firearm

- Criminal possession of an unloaded gun and arrest-eligible on a second offense
- Criminal possession of a gun on school grounds is already bail-eligible but not arrest-eligible, will now become arrest-eligible if the individual is eighteen years old or older

Prosecuting gun trafficking will now be easier:

- The illegal sale of two or more guns (previously 5 guns) within a year, will now constitute a C felony
- The illegal sale of three or more guns (previously 10 guns) within a year will now constitute a B felony
- Possession of three or more guns (previously five guns) will constitute a presumption of the intent to sell, making it easier to bring forth charges.

These new reforms will ensure that when a prosecutor cannot access discoverable material but has tried to obtain the material diligently and in good faith, the court can only issue sanctions and remedies that are proportionate to the nature of the missing material, and cases will not be automatically dismissed.

The Enacted Budget closes the "Raise the Age loophole" by amending the statute of limitations for juvenile delinquency cases to allow the filing of such proceedings up until the youth's twentieth birthday. Currently, these cases are dismissed due to a lack of jurisdiction. Courts will also be required to provide referrals to programs and services to juveniles who are being released.

Also included in the Enacted Budget is \$90 million in new resources to support discovery reform implementation and pretrial services. Funding allocated for pretrial services, an

alternative to incarceration services, and reentry programs is \$25 million. These services will help to remind and monitor court attendance, screening, and referrals for mental health and substance abuse treatment.

The Enacted Budget makes substantial investments in mental health programs and services including:

- \$35 million to prepare for the nationwide launch of 9-8-8, the suicide prevention and behavioral health crisis hotline system, increasing to \$60 million during the next fiscal year;
- \$55 million, a combination of \$27.5 million in state funds plus federal matching dollars, for hospitals to bring up to 1,000 inpatient psychiatric beds back;
- \$11.3 million to launch homeless outreach teams comprised of mental health specialists to conduct direct one-on-one outreach to individuals experiencing homelessness, increasing to an annual investment of \$21.5 million starting in FY2024;
- \$12.5 million for 500 supportive housing beds to quickly transition those in crisis from the streets, subways, and shelters to stable housing;
- Restored funding of \$10.2 million for State-Operated Psychiatric Centers to ensure adequate staffing and capacity; and
- \$9 million to launch a loan forgiveness program to recruit psychiatrists and psychiatric nurse practitioners.

Kendra's Law is extended through 2027 and "assisted outpatient treatment" (AOT) orders will be more effective as a result of these reforms. Physicians will now be able to testify virtually for AOT hearings, courts will be able to issue AOT orders for individuals whose symptoms have worsened, and hospitals will be required to share patient information

with the mental health professionals responsible for supervising AOT orders.

The Enacted Budget allows courts to order psychiatric assessments for individuals who appear to be mentally ill and if left unattended, may result in harm to themselves or others. Based on a physician's evaluation and determination, individuals may be involuntarily committed. Judges will now have access to assessment reports to ensure compliance with any conditions of release, including essential treatment and services.

"I intend to stand with my colleagues in the state legislature ready to do whatever is necessary to address the need to protect the people of our state." Addabbo concluded.