



NEW YORK STATE SENATOR

Peter Oberacker

Senator Oberacker Continues to Press for Changes to State's Failing Bail Law

JEFF BISHOP, COMMUNICATIONS DIRECTOR September 22, 2022

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UTICA – 09/22/22 – Senator Peter Oberacker (R/C-Schenevus) today joined with Senator Joseph Griffo (R-I-C-Rome), state Assembly members Marianne Buttenschon (D-Marcy), Brian Miller (R-C-New Hartford), and Ken Blankenbush (R-C-I-Black River) along with Oneida County District Attorney Scott McNamara, Oneida County Sheriff Robert Maciol, Oneida County Executive Anthony Picente Jr. and Madison County Sheriff Todd Hood to push for needed changes to the state's criminal justice system and in Albany to ensure that New Yorkers are protected.

The 2019 State Budget included changes to the state's bail law that ended cash bail for everything shy of the most severe violent felonies. As a result, dangerous criminals and repeat offenders have been released back into communities across the state.

The changes, which were supported by the legislative majorities, former Gov. Andrew Cuomo and Gov. Kathy Hochul, have faced harsh criticism from the public, law enforcement, district attorneys, crime victims and other stakeholders since they were first proposed several years ago.

“Protecting the public is one of the most important responsibilities of government, and when a crime has been committed, the victim, not the criminal, should be our first concern,” Sen. Oberacker said. **“The so-called bail reforms have allowed dangerous criminals out on our streets, taken away judicial discretion, and made it more difficult for police officers to do what is already a demanding job. I sponsor and co-sponsor several bills to expunge this horrible chapter in New York’s history and return sanity and safety to our streets – we cannot wait any longer.”**

“Since they were first proposed, I have actively worked with law enforcement, district attorneys and others to raise the alarm regarding the impact that changes to the state’s criminal justice system, including modifications to bail and discovery laws, would have across New York,” said Sen. Griffo, who has introduced legislation to completely repeal changes made to the state’s criminal justice system as part of the 2019 State Budget. “However, members of the majorities and the governor do not care that individuals committing criminal acts face no repercussions and are often released back onto the streets with only an appearance ticket, free to commit crime once again. I’m frustrated, I’m exasperated and I’m angry. We need change, and we need to change New York.”

“The overly permissive bail reform changes have become a danger to the public, and for the state to hold onto a failing policy so closely flies in the face of logic,” Assemblyman Miller said. “It’s time to come to grips here, New York is not safer under bail reform. Serious changes are needed to ensure repeat and serious criminals don’t just get to walk away with a desk ticket. We’ve seen too many people hurt.”

"We are seeing a crime spike in New York City, in all of our major cities across the state, and it is even spilling over into our rural communities," Assemblyman Blankenbush said. "Criminals in the state of New York fear no recourse, as our revolving door criminal justice system, especially on the issue of bail, puts them right back on the streets to reoffend. It is past time that the Majorities in Albany let us make meaningful changes to state bail laws, so we can return a sense of safety to our residents."

“I have proposed legislation that would provide for judicial discretion when determining bail,” Assemblywoman Buttenschon said. “This would allow the court to consider if there is a principal threat to public safety. In New York State, the courts have never had this option, even prior to bail reform. Other states utilize this method to protect their citizens and I believe allowing judicial discretion is an appropriate action. I have proposed the expansion of bailable offenses when domestic violence and drug felony charges are presented to the court. Finally, I was able to carry and enact legislation with State Senator Joseph Griffo to provide the Oneida County District Attorney the authority to hire staff from contiguous counties. We need to be sure that individuals in our community are safe and provide law enforcement and the prosecutor with the resources they need to carry out their roles.”

“I continue to urge members of our state legislature to give judges back the discretion to set bail in all case in which bail is appropriate,” District Attorney McNamara said. “The criminal justice system is too nuanced to set bright line rules such as was done in the ill-fated criminal justice reforms of 2020. Judges need the discretion in each case to determine if bail is warranted to ensure the defendant returns to court or that it is necessary to protect society or a specific individual within the community.”

“Nearly every single Sheriff in New York State, including myself, opposed bail reform since day one and we continue to do so today,” Oneida County Sheriff Maciol said. "I say it loud and clear that our communities are less safe because of it and one of the only ways that we are going to restore safety to our communities and to our people is to revisit this failed bail reform and to hold offenders accountable for their actions.”

“New Yorkers have been dealing with the Bail Reform disaster since it was implemented,” Madison County Sheriff Hood said. “Crime is out of control, and our citizen are less safe. Let’s get back to the basics of Law and Order. We need to repeal bail reform. It has been 4 years of dealing with lawlessness. It’s time to change this mess.”

"New York's bail and discovery laws are an unmitigated disaster putting the rights of criminals ahead of our citizens and the sooner these laws are repealed the safer our communities will become," said Oneida County Executive Picente.