

STATE OF NEW YORK



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41st District

Assemblymember Carrie Woerner
113th District

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BI-PARTISAN SUPPORT BUILDS FOR BAIL FIXES

ALBANY, NY—Two lawmakers who have led the way in calling for changes to the state’s misguided new bail measures are teaming up today to continue their push against some of the most egregious provisions of the new laws. Assemblymember Carrie Woerner (D—Round Lake) will introduce two bills drafted by Senator Sue Serino (R, C, I—Hyde Park) in the State Assembly later today that aim to better protect victims of domestic violence and prevent fugitives who fail to appear in court from getting a free pass.

Senator Sue Serino said, "We can all agree that no one should be held in jail simply because of an inability to pay bail, however in the rush to reform, the new measures went too far, stripping law enforcement of critical tools they need to keep our communities safe and putting already vulnerable New Yorkers at even greater risk. Public safety—not partisan politics—needs to be our top priority right now and the bills being highlighted today take aim at some particularly egregious portions of the new law. I thank Assemblymember Carrie Woerner for joining me in this critically important endeavor, and I urge my colleagues in both houses to make this legislation a priority."

Assemblymember Carrie Woerner said, "The first 24 hours after a domestic violence incident are when the likelihood of re-victimization and an escalation of violence is at its highest. I am committed to protecting the safety of the communities I represent which is why I voted against the criminal justice reforms last year. The legislation Senator Serino and I are introducing restores the role of judges in determining whether bail should be used to ensure an individual charged with a domestic violence crime returns to court for trial. I am proud to stand with Senator Sue Serino to fight for this issue, and to carry the bill in the Assembly."

When the new bail reform measures took effect on January 1, 2020, they severely limited judges’ ability to set bail, only allowing them to do so if they determine that a defendant is a flight risk. A defendant’s criminal history, or the fact that they may pose a clear physical threat to another person, cannot be considered. In addition, the measures included a provision that expressly requires a judge to provide at least 48 hours’ notice to a defendant or their counsel about the need

for them to appear in court to give them a chance to do so voluntarily before they can formally issue a bench warrant. The measure essentially gives criminals who wish to evade law enforcement a full two days head start.

The bill being sponsored by the lawmakers ([S. 7269](#)) would reinstate the discretion of judges to issue a bench warrant immediately when a defendant in a criminal proceeding fails to appear for a scheduled court appearance.

Additionally, the lawmakers have introduced a bill ([S. 6839](#)) to ensure that each crime under the aggravated family offense statute would qualify for bail and pre-trial detention. When the new bail measures took effect, several of these particularly heinous crimes no longer qualified for bail and pre-trial detention, leaving victims of domestic violence particularly vulnerable to re-victimization.

[At a press conference in November](#) when the bill was first introduced—alongside a bill to restore judicial discretion ([S. 6840](#))—domestic violence victims’ advocates joined members of law enforcement and district attorneys at a press conference in Albany in a show of support for the critically important legislation. The advocates in attendance made it a point to highlight the fact that the pre-trial period is often the most dangerous for victims of domestic violence and they noted that the new measures reduce the chances a victim has to connect with resources and service providers, severely limiting their chances of finding independence and safety.

Both Senator Serino and Assemblymember Woerner voted against the new bail measures when they passed in the Legislature last year. Since its passage, both members have continued to work to engage victims’ advocates, law enforcement, and those who work to protect our communities to develop and push for critically important amendments.