

**Ranking Minority Member:**

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Social Services

**THE SENATE  
STATE OF NEW YORK**



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Senator, 49th District**

**Cash Bail "Reform" Eliminations**

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As of January 1, 2020, a defendant must be released from custody without bail for the following crimes:

- Manslaughter in the second degree
- Aggravated vehicular homicide
- Criminally negligent homicide
- Assault in the third degree
- Aggravated vehicular assault
- Making a terroristic threat
- Criminal possession of a gun on school grounds/criminal possession of a firearm
- Criminal sale of a firearm to a minor
- Arson in the third and fourth degree
- Money laundering in support of terrorism in the third and fourth degree
- Promoting or possessing an obscene sexual performance by a child
- Aggravated cruelty to animals, overdriving, torturing and injuring animals, animal fighting
- Unlawful imprisonment in the first degree
- Coercion in the first degree
- Grand larceny in the first degree
- Criminal possession of a controlled substance in the first and second degree
- Criminal sale of a controlled substance in the first and second degree, or near/on school grounds
- Specified felony drug offenses involving the use of children, including the use of a child to commit a controlled substance offense and criminal sale of a controlled substance to a child
- Criminal solicitation in the first degree and criminal facilitation in the first degree
- Patronizing a person for prostitution in a school zone
- Failure to register as a sex offender
- Obstructing governmental administration in the first and second degree, or by means of a self-defense spray device
- Bribery and bribe receiving in the first degree, bribe giving for public office
- Promoting prison contraband in the first and second degree
- Resisting arrest
- Hindering prosecution
- Tampering with a juror and tampering with physical evidence
- Aggravated harassment in the first degree
- Directing a laser at an aircraft in the first degree
- Criminal possession of a weapon in the fourth degree
- Enterprise corruption and money laundering in the first degree

Source: District Attorneys Association of the State of New York



### Discovery Reform:

- New York's discovery reform requires "automatic" discovery, eliminating the need for defense attorneys to make written "demands" to obtain and review evidence.
- The new timeframe for disclosure generally requires the prosecution to turn over all "discoverable" materials no later than 15 days after arraignment.
- Currently, the defense must make a written request, and there is no time frame.
- The defense will now have access to victim information, including names and addresses
- Defendants will be able to gain access to crime scenes to inspect, photograph or measure.
- Defendants will no longer be required to consider a plea offer without knowledge of the evidence against them.
- The defense must provide "reciprocal" discovery within 30 days after the prosecution has served a Certificate of Compliance, which the prosecution must now complete, stating they exercised due diligence and made reasonable inquiry into the existence of relevant materials, and that the prosecutor has turned over all known discoverable materials. The certificate must also list all the materials that have been turned over.

Source: Center for Court Innovation