



**2018 New York State YMCA
Youth And Government**

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FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 2

Bill #: AF-09

1 **Sponsors:** Angelica Hernandez, Katie Lindley, Kayla Scharf

2

3 **An Act To**

4 Amend section 510.10 of the New York State Criminal Procedure Law to abolish the
5 use of bail against defendants whose highest charge is a misdemeanor or lower.

6

7 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

8

9 **Purpose**

10 The purpose of this bill is to abolish the use of bail against misdemeanor offenders.

11 **Summary of Provisions**

12 Section 1: Definitions

13 Principal: a defendant in criminal action or proceeding.

14 Securing Order: An order of a court committing a principal to the custody of the
15 sheriff, to fix bail, or releasing him on his own recognizance.

16 Bail: meaning the system that governs the status of individuals charged with
17 committing crimes, from the time of their arrest to the time of their trial, and
18 pending appeal, with the major purpose of ensuring their presence at trial.

19 Release on Own Recognizance: allowing a criminal defendant to be released from
20 custody without posting bail through an application process and an official order.

21 Misdemeanor: a lesser crime punishable by a fine and/or county jail time for up to
22 one year.

23 Section 2:

24 § 510.10 Securing order; when required.

25 When a principal, whose future court attendance at a criminal action or proceeding
26 is or may be required concerning a felony charge, initially comes under the control
27 of a court, such court must, by a securing order, either release him on his own
28 recognizance, fix bail, or commit him to the custody of the sheriff, unless the
29 principal's highest criminal charge is a misdemeanor or below, then such court

30 must, by a securing order, either release him on his own recognizance or commit
31 him to the custody of the sheriff. When securing order is revoked or otherwise
32 terminated in the course of an uncompleted action or proceeding but the principal's
33 future court attendance still is or may be required and he is still under the control
34 of a court, a new securing order must be issued. When the court revokes or
35 otherwise terminates a securing order which committed the principal to the custody
36 of the sheriff, the court shall give written notification to the sheriff of such
37 revocation or termination of the securing order.



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38 **Justification**

39 The bail system has been broken for generations. In 1966 when the first bail
40 Reform Act was passed, President Lyndon B. Johnson gave a speech that stated "A
41 man spent two months in jail before being acquitted. In that period, he lost his job,
42 he lost his car, he lost his family -- it was split up. He did not find another job,
43 following that, for four months" This shocking example of a poor man spending
44 months in jail only to later have his charges dropped is still relevant for many
45 people in New York State jails today. Bail is an unethical, outdated, and inequitable
46 system that disproportionately affects the poor and minorities. Low-level offenders
47 should not be forced to spend months or potentially years in jail simply because
48 they do not have the financial means to bail themselves out. It has also been
49 scientifically proven by the Arnold Foundation that low-risk defendants that were
50 held in jails for as few as 2 days, were 40% more likely to commit "new crimes
51 before trial than equivalent defendants held no more than 24 hours." That number
52 only increases the longer a person is held in jail. Researchers have attributed this to
53 the destabilization of a person's life that occurs which "undermine the three
54 mainstays of steady employment, housing, and family attachments." Bail has been
55 proven to do more harm than good for society, therefore it has no purpose for low
56 level offenses in our modern day justice system.

57 **Fiscal Implications**

58 The proposed NYS Department of Corrections and Community Supervision budget
59 for 2018-2019 is approximately \$2.8 billion. This bill would save the state money
60 due to the decrease in inmate care costs. Also, this bill would save the state money
61 as time goes on due to the expected decrease in the recidivism rate for low-level
62 offenders.

63 **Effective Date**

64 This bill will go into effect 1 year after passage.