



New York State YMCA
Youth And Government

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Committee Assignment: Senate Freedom 3

Bill #:SF-21

1 **Sponsors:** Addison Kelley and Tyler Trowbridge

2

3 **An Act To** Amend Criminal Procedure Law Section § 520.15 to end cash bail for
4 principal and repeated offenders.

5

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

7

8 **Purpose** Removing the option of cash bail from principal and repeated offenders
9 guarantees all criminals' attendance to their provided court litigation.

10 **Summary of Provisions**

11 Section 1 - Definitions

12 1. Cash Bail: money that is deposited for the release of a person who has been
13 arrested (also known as a defendant). The Department of Finance withholds the
14 funds in order to assure that all defendants return to court for their trials.

15 2. Principal Offender: a person in a group of offenders who carries out the main
16 part of a criminal act.

17 3. Repeat Offender: a person who has already been convicted for a crime, and who
18 has been caught again for committing the crime and breaking the law for which he
19 had been prosecuted earlier.

20 Section 2

21 Criminal Procedure Law § 520.15

22 Where a court has fixed bail pursuant to subdivision two of section
23 520.10, at any time after the principal or repeated offender has been
24 committed to the custody of the sheriff pending the posting thereof, cash bail in
25 the amount designated in the order fixing bail may not be posted under any
26 circumstances ~~even though such bail was not specified in such order. Cash bail~~
27 ~~may be deposited with (a) the county treasurer of the county in which the criminal~~
28 ~~action or proceeding is pending or, in the city of New York with the~~
29 ~~commissioner of finance, or (b) the court which issued such order, or~~
30 ~~(c) the sheriff in whose custody the principal has been committed. Upon~~
31 ~~proof of the deposit of the designated amount the principal must be~~
32 ~~forthwith released from custody.~~

33 ~~2. The person posting cash bail must complete and sign a form which~~
34 ~~states (a) the name, residential address and occupation of each person~~
35 ~~posting cash bail; and (b) the title of the criminal action or~~
36 ~~proceeding involved; and (c) the offense or offenses which are the~~
37 ~~subjects of the action or proceeding involved, and the status of such~~
38 ~~action or proceeding; and (d) the name of the principal and the nature~~



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39 ~~of his involvement in or connection with such action or proceeding; and~~
40 ~~(e) that the person or persons posting cash bail undertake that the~~
41 ~~principal will appear in such action or proceeding whenever required and~~
42 ~~will at all times render himself amenable to the orders and processes of~~
43 ~~the court; and (f) the date of the principal's next appearance in court;~~
44 ~~and (g) an acknowledgement that the cash bail will be forfeited if the~~
45 ~~principal does not comply with any requirement or order of process to~~
46 ~~appear in court; and (h) the amount of money posted as cash bail.~~

47 ~~3. Money posted as cash bail is and shall remain the property of the~~
48 ~~person posting it unless forfeited to the court.~~

49 **Justification**

50 Millions of criminals every year are able to avoid sentencing for up to a year after
51 being arrested. This is not acceptable and needs to be stopped. Our plan is to
52 propose the ending of bail for criminals who committed felonies. It is unacceptable
53 to let these criminals walk free for up to a year. In 2016, when Alex West killed an
54 8-year-old with a boat in our neighboring Lake George, he was able to walk free
55 until his guilty verdict almost 11 months after the crash. This was a severe tragedy
56 that enraged the town which could have been easily avoided if he was incarcerated.
57 This is not just for the prosecution, it is for the families. When a tragedy occurs, it
58 is nice for the family of the victim to know that the criminal is locked away behind
59 bars. This law would not just benefit the prosecution and its entirety; it would
60 benefit everyone in the State of New York.

61 **Fiscal Implications**

62 Bail bond companies would no longer be necessary for court cases regarding
63 principal and repeated offenders therefore it would not cost the state any money.

64 **Effective Date**

65 This bill shall go into effect immediately upon passage.