



Legislation Text

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Res. No. 99

Resolution calling on the New York State Legislature to include safety to others and the community as factors to consider in recognizance and bail determinations.

By Council Members Yeger, Borelli, Holden, Vernikov, Kagan, Ariola and Carr

Whereas, New York Criminal Procedure Law §510.30 details the factors and criteria to be considered in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Under New York State law, the safety of others and the community are not factors which a judge may consider in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Under the Bail Reform Act of 1984, the safety of others and the community are factors which may be considered in determining whether a defendant charged with committing federal crimes may be granted release on recognizance or bail; and

Whereas, New York is the only state which does not allow public safety to be a consideration in determining whether a defendant may be granted release on recognizance or bail; and

Whereas, Mayor Eric Adams, former Mayor Bill de Blasio and numerous district attorneys from across New York State have called on the legislature to include public safety amongst the factors to be considered; and

Whereas, Permitting judges to consider the safety of others and the community in determining whether a defendant may be released is necessary to ensure public safety; be it

Resolved, that the Council of the City of New York calls upon the New York State Legislature to include the safety of others and the community as factors in determining whether a defendant may be granted release on recognizance or bail.