File #: Res 0415-2024, **Version:** A

Res. No. 415-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2240/A.5414, which would remove the lifetime ban on jury duty for convicted felons and postpone jury service for any person currently incarcerated for a felony

By the Public Advocate (Mr. Williams) and Council Members Restler, Cabán, Hanif, Joseph, Banks, Louis and Rivera

Whereas, Pursuant to section 510 of the New York State Judiciary Law, individuals convicted of felonies are permanently disqualified from serving on a jury within the New York State Unified Court System, including courts in New York City, regardless of the seriousness of the felony or how long ago it occurred, resulting in jury disenfranchisement; and

Whereas, There are constitutional bases for the responsibility of serving on a jury, such as the right to a trial by jury enshrined in the Sixth Amendment to the United States Constitution and in section 2 of article I of the New York State Constitution; and

Whereas, Jury service provides an opportunity for citizens to participate in the process of governing by giving them a voice in the justice system; and

Whereas, Section 509 of the New York State Judiciary Law requires individualized screening of all prospective jurors to determine their qualification for jury service in the New York State Unified Court System; and

Whereas, New York State law does not impose a ban on jury service relating to conduct that bears more directly than the commission of a felony on fitness to participate in a jury, like tampering with a juror in the

first degree, which is a misdemeanor pursuant to section 215.25 of the New York State Penal Law; and

Whereas, New York State's lifetime ban on jury duty for convicted felons has a disproportionate impact on minorities, as according to the New York State Division of Criminal Justice Services and the National Center for Health Statistics, in 2022, for example, in New York State, 45 percent of adult arrests for felonies and 51 percent of prison sentences involved Black individuals, compared to just 25 percent of adult arrests for felonies and 28 percent of prison sentences involving White individuals; and

Whereas, The New York State Division of Criminal Justice Services and the National Center for Health Statistics also reported that in 2022 in New York City, Black individuals were involved in 52 percent of adult arrests for felonies and 61 percent of prison sentences, compared to White individuals who accounted for only 9 percent of adult arrests for felonies and 5 percent of prison sentences; and

Whereas, The New York Civil Liberties Union (NYCLU), a not-for-profit organization focused on advancing civil rights for New Yorkers, filed a lawsuit in December 2022 challenging the exclusion of convicted felons from Manhattan jury service and reported that between 2002 and 2019, Black individuals in Manhattan were convicted of felonies at a rate more than 21 times greater than the felony conviction rate for White individuals; and

Whereas, The NYCLU additionally found in connection with filing such lawsuit that approximately 25 percent of Manhattan's Black residents, which is approximately 38,000 people, would be otherwise eligible to serve on a jury but are instead disqualified due to a prior felony conviction; and

Whereas, It is essential for New York City to safeguard its residents' ability to participate in civic society and make the justice system fairer by reducing jury disenfranchisement that has a disproportionate impact on Black individuals in New York City, through advocating for removal of the New York State legislative ban on jury service on the basis of a previous felony conviction; and

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Whereas, S.2240, introduced by New York State Senator Cordell Cleare and pending in the New York State Senate, and A.5414, introduced by New York State Assemblymember Edward Gibbs and pending in the New York State Assembly, seek to remove such ban and postpone the jury service of any person serving a term of incarceration for a felony during the period of such incarceration; and

Whereas, In May 2021, former New York State Governor Andrew Cuomo signed into law S.830-B/A.4448-A, to grant voting rights to formerly incarcerated individuals convicted of a felony, and the enactment of S.2240/A.5414 would be a logical next step in promoting justice and the rehabilitation of incarcerated individuals after release from custody; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.2240/A.5414, which would remove the lifetime ban on jury duty for convicted felons and postpone jury service for any person currently incarcerated for a felony.

PS
LS #6432/16697
3/10/2025