

# CRIMINAL JUSTICE SERVICES

## State Operations – A.3000

Significant actions include:

- **Bail Reform Risk Assessment:** \$300,000 in new funding for services and expenses related to development of a plan to create and implement a bail reform risk assessment tool.
- **Ensure a Speedy Trial:** \$100,000 in new funding for services and expenses related to the research and development of administrative guidance to ensure citizens' right to a speedy trial, in consultation with the office of court administration.

Maintains funding for the following:

- **DCJS Federal Equitable Sharing Agreement:** Maintains \$16 million in funding to the Division of Criminal Justice Services for the Treasury Department Federal Equitable Sharing Agreement to be used for law enforcement purposes pursuant to a plan developed by the Division of Military and Naval Affairs.

## Aid to Localities – A.3003

Significant increases include:

- **Operation S.N.U.G.:** \$4.8 million, \$1.5 million more than last year for regional S.N.U.G. programs.

Significant actions include:

- **Local Government/ Not-For-Profit Reimbursement:** \$4.2 million in new funding for services, expenses or reimbursement of expenses incurred for providing civil and criminal legal services, including legal services for victims of domestic violence.

Significant decreases include:

- **Crime Prevention and Reduction Strategies Program:** \$184.2 million, \$21.5 million less than last year, for various crime prevention and reduction programs, the following programs saw cuts:
  - **Alternatives to Incarceration for Non-Profits:** \$13.8 million, \$797,000 less than last year, for payment to not-for-profit and government operated programs providing alternatives to incarceration, community supervision and/or employment programs.

- **Crimes Against Revenue:** \$13.5 million, \$779,000 less than last year for payment to district attorneys who participate in the crimes against revenue program.
- **Crime Laboratories:** \$6.2 million, \$362,000 less than last year, for expenses of crime laboratories for accreditation training, capacity enhancement, and lab related services.
- **Defense Services:** \$5 million, \$441,000 less than last year, for competitive awards for defense services.
- **New York State District Attorney Association:** \$2.1 million, \$126,000 less than last year, for payment to the New York district attorneys association and the New York state prosecutors training institute.
- **Project GIVE:** \$14.4 million, \$829,000 less than last year for project GIVE (Gun Involved Violence Elimination).
- **Prosecutorial Services of Counties:** \$9.9 million, \$723,000 less than last year.
- **Rape Crisis Centers:** \$2.5 million, \$147,000 less than last year, for services and expenses of rape crisis centers for services to rape victims and programs to prevent rape.
- **Reducing the Risk of Reoffending:** \$3.8 million, \$221,000 less than last year, for services and expenses of programs aimed at reducing the risk of reoffending, to be distributed through a competitive process.
- **State Aid to Alternatives to Incarceration for Counties and NYC:** \$5.2 million, \$301,000 less than last year, for payment of state aid to counties and the City of New York for local alternatives to incarceration, including those that provide alcohol and substance abuse treatment programs.
- **Witness Protection Program:** \$287,000, \$17,000 less than last year.

Significant eliminations include:

- **Crime Control and Prevention Programs:** \$2.8 million is eliminated, for law enforcement, anti-drug, anti-violence, crime control and prevention programs.
- **Defendant Screening Services:** \$1 million is eliminated, for payment to not-for-profit and government operated programs providing services including defendant screenings, assessment, referral, monitoring, and case management.
- **Domestic Violence Programs:** \$1.6 million is eliminated, for programs that prevent domestic violence or aid the victims of domestic violence.
- **Finger Lakes Law Enforcement:** \$500,000.
- **Payments to Counties for Costs Associated with Legal Assistance for Indigent Parolees:** \$600,000.

Maintains funding for the following:

- **Crime Identification and Technology Account:** \$2.25 million, same as last year for services and expenses related to identification technology grants including but not limited to, crime lab improvement and DNA programs.
- **Edward Byrne Memorial Grant:** \$6 million, same as last year for services to enhance prosecution, enhance defense, local law enforcement programs, youth violence and/or crime reduction programs, crime laboratories, re-entry services, and judicial diversion and alternatives to incarceration programs.
- **Prisoner's Legal Services:** \$2.2 million, same as last year for services and expenses related to legal representation and assistance to indigent inmates.
- **Soft Body Armor:** \$1.3 million, same as last year for the purchase of ballistic soft body armor vests by the division of state police and authorized regional state park commissions.

## Article VII – A.3005

### *PUBLIC PROTECTION AND GENERAL GOVERNMENT*

**Part A Criminal Justice and Public Protection Extenders** Provides two year extenders for various criminal justice programs and maintains the existing formula for distribution of certain monies recovered by county district attorneys that are set to expire in 2017. Key programs include:

- Psychological Testing of Correction Officer Candidates;
- Expanding Geographic Area of Employment of Certain Police Officers;
- Determinate Sentencing;
- Inmate Work Release Programs and Furloughs;
- Earned Eligibility Program;
- Substance Abuse Treatment for Inmates;
- Incarceration, Parole, and Probation Fees;
- Alternatives to Incarceration;
- Armory Rent;
- Ignition Interlock Program for Individuals;
- Electronic Court Appearances;
- Adult Interstate Compact Mandatory Arrest for Domestic Violence;
- Protective Measures for Child Witnesses; and
- Retaining a Portion of Recoveries by a County District Attorney in NYC.

**Part B Decriminalize Marijuana** Removes the criminal penalties for possession of less than 25 grams of marijuana in public view, which is currently a class B misdemeanor offense.

**Part D Criminal Justice Reform Act of 2017** Amends various sections of law to provide criminal justice reforms in the following areas:

- **Extend the Hurrell-Harring Settlement Reforms for Indigent Defendants to the Entire State:** Proposes a plan for the state to fund one hundred percent of the costs necessary to extend the reforms provided for in the Hurrell-Harring settlement to all the state's counties and the City of New York. The annual cost estimated to the State is \$250 million when fully phased in by April 1, 2023.
- **Improve Witness Identification Procedures:** Allows the use of photo identifications made by witnesses at trial where the identification procedures were conducted using proper safeguards, such as "blind" and "blinded" administration.
- **Require Video Recording of Police Interrogations for Serious Offenses:** Would require law enforcement to video-record custodial interrogations of suspects for serious offenses, including homicide, kidnapping and sex offenses.

[Article VII – A.3006](#)

## *EDUCATION, LABOR AND FAMILY ASSISTANCE*

**Part J Raise the Age of Criminal Responsibility Raise the Age of Juvenile Jurisdiction** Advances reform legislation to raise the age of juvenile jurisdiction with the following schedule:

- age 17 on January 1, 2019;
- age 18 on January 1, 2020;

The major provisions of the bill would additionally:

- Raise the lower age of juvenile jurisdiction from age 7 to age 12 on January 1, 2019 for all offenses except murder which would be raised from 7 to 10;
- Expand Youthful Offender (YO) eligibility to include 19 and 20 year olds and create a presumption to grant YO status to eligible youth with no prior felony convictions;
- Prohibit confinement of any person under the age of 18 in county jail or prison; instead require OCFS placement;
- Allow individuals to remain in OCFS facilities up to age 21, or up to age 23 under certain circumstances;
- Create Youth Parts in the Superior Court to handle Juvenile Offender cases;
- Expand existing Family Court jurisdiction to cases involving 16 and 17 year olds;
- Grant the Youth Part exclusive jurisdiction over Juvenile Offenders accused of committing specified serious crimes with exceptions, thereby allowing for removal of Juvenile Offender cases to the Family Court;
- Extend current provisions for removal of Juvenile Offender cases to Family Court to 16 and 17 year olds in the Youth Part;
- Allow for removal to Family Court, upon consent of the District Attorney, for any violent felony that is not a Juvenile Offender crime for youth age 15 and under and for Robbery in the Second degree;

- Prohibit detention and placement for youth deemed low risk if they are adjudicated for first or second-time misdemeanors that do not result in physical harm to another person, and for youth who have technical violations of probation who do not pose an imminent risk to public safety;
- Mandate diversion attempts for low-risk misdemeanor cases;
- Allow for additional time for probation adjustment in order to access necessary services, and create the capacity for probation to obtain an order of protection while adjusting a case;
- Establish probation family engagement specialists to facilitate adjustment; and a continuum of evidence-based diversion services;
- Establish Family Support Centers to provide comprehensive services to children at risk of person in need of supervision (PINS) adjudications and their families;
- Prohibit the use of detention in PINS proceedings and only authorize PINS foster care placements if appropriate, for sexually exploited youth;
- Provide access to weekend arraignment for Family Court cases;
- Determinate sentencing for youth sentenced as Juvenile Offender or Youthful Offender for most crimes that generally provide reduced sentencing ranges;
- Require post-release supervision for Juvenile Offenders released from OCFS; and
- Provide for the sealing of records for persons convicted of up to two eligible offenses but not more than one felony after 10 years have passed.

**Fiscal Impact:** Full implementation costs are estimated at \$375 million in FY 2023. The State share of this cost is going to be \$187 million. Capital investments of \$110 million are also included if additional funds are needed to increase OCFS facility capacity.

# LAW

## State Operations – A.3000

Significant increases include:

- **Personnel Costs:** \$236.4 million, \$9.65 million more than last year for the hiring of new attorneys within the Criminal Investigations Unit and the Criminal Justice Unit, as well as increased costs for benefits, supplies and materials, and travel.

## Capital Projects – A.3004

Significant decreases include:

- **IT Initiative Program:** \$5 million, \$5 million less than last year for support of critical technology projects.

# LEGISLATURE AND JUDICIARY

## Legislature and Judiciary – A.3001

### **Legislature:**

Significant increases include:

- \$226.1 million for the Legislature, \$6.2 million more than last year. This represents a 2.7% increase in spending.

### **Judiciary:**

Significant increases include:

- \$2.2 billion for the Judiciary, \$64.3 million more than last year. This represents a 2.9% increase in spending.