

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/new-york-new-york-2019-bail-reform-law-highlights>

Policy Issue Resources

Publication

In April 2019, New York passed legislation on bail reform to update a set of state pretrial laws that had remained largely untouched since 1971. The relative lack of fanfare over the passage of New York's new bail law belies its historic and transformative potential to end mass incarceration at the local level. What exactly comprises New York's new bail law? What inspired this set of reforms? Can bail reform truly claim to be bold if money isn't eliminated entirely? And what precedent might New York's model of bail reform set for other jurisdictions? This primer provides historical context and an overview of the legislation itself, highlights five unique aspects of the legislation, and offers a few thoughts for how the wins in New York can inspire more comprehensive and transformative bail reform elsewhere.

New York's new bail law will take effect in January 2020. Across the country, other cities and states should and will be looking to New York as a model for pretrial justice. After all, if bail reform succeeds in New York's vast state with varied geographies, it can succeed anywhere.

The final bill that passed eliminated money bail and mandated release for 90 percent of all arrests statewide.

The use of electronic monitoring is prohibited in the vast majority of misdemeanor cases and is primarily reserved for people charged with felonies or offenses involving domestic violence or sex-related charges.

On violent felonies, judges may set bail if they do not find that release on recognizance, nonmonetary conditions, or electronic monitoring is sufficient to assure a person will return to court.

VIDEO

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