



A RESOLUTION OF THE VILLAGE OF FAIRPORT REQUESTING AMENDMENTS TO NEW YORK STATE'S CRIMINAL JUSTICE REFORMS

WHEREAS, while there was a need to reform New York's criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS, the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS, the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS, drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS, arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS, cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS, municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE, BE IT RESOLVED THAT, the Village of Fairport supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms, but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;

- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

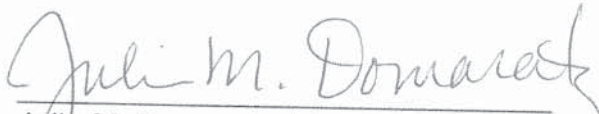
AND, BE IT FURTHER RESOLVED, that this duly adopted resolution of the Village of Fairport be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Rich Funke and Assembly Member Mark Johns, the New York State Conference of Mayors, and local media outlets.

ATTEST:

I, Megan C. Anderson, the duly appointed Village Clerk of the Village of Fairport, Monroe County, New York, do hereby certify that the following resolution was adopted at a work session meeting of the Village Board held on March 3, 2020 and is incorporated in the original minutes of said meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.



Megan C. Anderson, Clerk-Treasurer



Julie M. Domaratz, Mayor