

S494 RIVERA Same as A 6980 Blake Veto No. 205 of 2019 Voting

Text Versions: [S 494](#)

S494 RIVERA Same as A 6980 Blake
ON FILE: 01/09/19 Insurance Law
TITLE....Relates to charitable bail organizations

01/09/19 REFERRED TO INSURANCE
04/29/19 1ST REPORT CAL.460
04/30/19 2ND REPORT CAL.
05/01/19 ADVANCED TO THIRD READING
05/07/19 PASSED SENATE
05/07/19 DELIVERED TO ASSEMBLY
05/07/19 referred to ways and means
05/22/19 substituted for a6980
05/22/19 ordered to third reading cal.359
06/17/19 passed assembly
06/17/19 returned to senate
12/06/19 DELIVERED TO GOVERNOR
12/13/19 VETOED MEMO.205

RIVERA, BIAGGI, KRUEGER, PARKER, SEPULVEDA, SERRANO

Amd §6805, Ins L

Relates to certificates to a charitable bail organization to deposit money as bail under certain circumstances.

VETO MESSAGE - No. 205

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 494, entitled:

"AN ACT to amend the insurance law, in relation to charitable bail organizations"

NOT APPROVED

This bill would expand the ability of charitable bail organizations to place cash bail for certain persons.

New York is the safest large state in the nation and we have made great strides to eliminate unnecessary incarceration. Just this year, New York enacted sweeping and transformative bail reforms, including the elimination of cash bail for most misdemeanors and non-violent felonies. As a result, the need for charitable bail organizations to place cash bail on behalf of defendants has been greatly reduced, except for those who commit violent felony offenses, or crimes such as witness intimidation. Thus, any amendments involving charitable bail organizations that might be needed should be considered after this year's bail reforms have had an opportunity to be fully implemented and the specific needs are identified. Based on this reasoning, I cannot support this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S494

SPONSOR: RIVERA

TITLE OF BILL: An act to amend the insurance law, in relation to charitable bail organizations

PURPOSE:

This bill would amend the Insurance Law to enable charitable bail organizations to provide more effective assistance to indigent persons in need of such services.

SUMMARY OF PROVISIONS:

Section 1 of this bill would amend section 6805 of the Insurance Law to reduce the certification fee required for non-profit organizations from one thousand dollars to five hundred dollars, to raise the monetary amount that such organizations may provide in bail assistance, to clarify when such organizations may contribute to bail, and to remove the geographical restriction that an organization may only offer bail in one county.

Section 2 is the effective date.

JUSTIFICATION:

Every year millions of Americans are incarcerated while awaiting trial, sometimes for very lengthy periods, simply because they can't afford to post bail, including 45,000 people in New York City alone. By assisting with cash bail for New Yorkers who cannot afford it, charitable bail organizations can help keep people out of jail, protect the presumption of innocence and help keep families intact.

A period of incarceration can have a devastating effect on a person's life. As a result of pretrial incarceration, families may be torn apart and individuals may lose their employment, housing and dignity. This bill seeks to mitigate these possible collateral consequences by enabling more nonprofit organizations to establish bail funds in the state to provide assistance to individuals in need.

Charitable bail organizations have been formally recognized in New York since 2012; these nonprofit organizations are regulated by the New York State Department of Financial Services. See L. 2012, c. 181.

Under the Criminal Procedure Law, a bail amount is set by the court, when authorized, in each individual case. Bail posted during the pendency of the case is returned to the surety when the case reaches a conclusion, but bail may be forfeited if the person fails to appear in court when required. Thus, a charitable bail organization has an incentive to monitor the individual during the proceedings and help assure his or her presence for every court appearance. Moreover, the presiding judge, in any case, may conduct an inquiry for the purpose of determining the reliability of the obligors posting cash bail. See Criminal Procedure Law § 520.30.

LEGISLATIVE HISTORY:

2017-2018: S4776A

FISCAL IMPLICATIONS:

Minimal in relation to the reduction of the certification fee.

EFFECTIVE DATE:

This act shall take effect immediately; provided that the amendments to subsection (b) of section 6805 of the insurance law made by section one of this act shall take effect on the ninetieth day after it shall have become a law.

[http://public.leginfo.state.ny.us/navigate.cgi?NVDTO:](http://public.leginfo.state.ny.us/navigate.cgi?NVDTO)