Dear State Legislator:

March 19, 2020

Much has evolved in the last week and will continue to change dramatically in the days ahead. We applaud the Governor and each of you as members of the Senate and Assembly for what you are doing to ensure that New Yorkers are informed and, to the extent possible, protected from the financial hardships that will result from this pandemic. Thank you for your commitment to New York and our residents.

Recognizing the impacts that the coronavirus has had on the State’s economy, we would like to take this opportunity to remind you of certain legislative initiatives, particularly related to discovery procedures, which would not cost the State any money, but will result in significant savings for local governments by making the existing discovery reforms more effective and more affordable to implement. These include:

- Extending the discovery timeframe from 15 to 60 days for non-incarcerated defendants and excluding any charge not involving a felony or misdemeanor;
- Excluding from the accelerated discovery requirements any charge not involving a misdemeanor or felony, and clarify that the requirements do not apply to traffic, parking and code enforcement violations;
- Adjusting the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis; and
- Allowing prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

Implementing these recommendations, which we feel are consistent with the intent of the criminal justice reforms, would provide tremendous relief to municipalities at a time when they need it most.

In addition, we implore you not to include in the adopted budget any of those initiatives that may harm local governments by limiting local control and forcing them to expend any more of their limited resources that are diminishing as we speak. Given the tightened timeframe for budget adoption and the economic hardship that lies ahead, this is not the time to include policy proposals, such as modifications to the prevailing wage requirements or the siting of small wireless facilities or renewable energy projects. Now is not the time! These are issues that should be debated long after we have addressed other more pressing needs such as hospital beds, quarantines, ventilators and the overall health and safety of all New Yorkers.

Again, on behalf of New York’s cities and villages, we thank you for your leadership and commitment during this difficult time.

Sincerely,

Peter A Baynes
NYCOM Executive Director