

RESOLUTION NO. 125

URGING THE NEW YORK STATE LEGISLATURE TO PASS LEGISLATION INCREASING INDIGENT DEFENSE SYSTEM FUNDING

Introduced: 3/14/16

By Messrs. Mackey, Feeney, Ward, Commisso, Ms. Chapman, Messrs. Clay, Fein, Ms. McKnight, Mr. Simpson, Ms. Willingham, Messrs. Bullock, Clenahan, Higgins, R. Joyce, Miller, Smith and Ms. Lekakis:

WHEREAS, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them, and

WHEREAS, The State of New York has delegated this state responsibility to counties, and

WHEREAS, The decision to entrench responsibility at the county level in the State of New York has resulted in a system by which the county and local property tax payers are burdened with 80% of the cost of this state responsibility, and

WHEREAS, the State and multiple counties were sued, and ultimately settled, Hurrell-Harring, et al v. State of New York, with the settlement requiring that the five (5) counties involved in the suit provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders, and

WHEREAS The state placed funding in this year's budget to help cover the increased cost to the five (5) counties for expanding indigent defense, but the remaining fifty-two (52) counties also need increased funding so that expanded indigent defense services are uniform throughout the State, and

WHEREAS, The Governor has stated recently that the entire New York State justice system needs to be examined to insure the state's justice system provides the most equitable and fair treatment possible, and

WHEREAS, The state can improve the public defense system by increasing the funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965, and

WHEREAS, New York State Legislative proposal S-6341 / A-6202B addresses the issue the funding of indigent legal services by requiring New York State to reimburse Counties for providing these services, now, therefore be it

RESOLVED, That the County of Albany fully supports S-6341 / A-6202B and urges the New York State Legislature to adopt this legislation to increase State funding to the indigent defense system, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the Governor, the State Legislature, Senator Neil Breslin, Senator George Amedore, Assemblymember John McDonald, Assemblymember Patricia Fahy, Assemblymember Phillip Steck and the appropriate County Officials.

Adopted by unanimous vote. 3/14/16