

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT authorizing a pilot program for indigent legal services
for counsel at arraignment; and providing for the repeal
of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. There is hereby created a pilot program to make grants,
2 within amounts appropriated therefor, to counties other than the five
3 counties within the city of New York, to be used for the improvement of
4 services to persons accused of a crime who are both presumed indigent
5 and unrepresented at their first arraignment before a court.

6 § 2. Proposals by counties for grants under this pilot program should
7 consider new approaches to providing representation to indigent defend-
8 ants at arraignment, including the opening of courts during non-tradi-
9 tional hours, regional solutions, centralization or consolidation of
10 arraignment venues, the use of video conferencing for arraignments, and
11 the appointment of attorneys specifically to provide coverage during
12 non-traditional court hours. Proposed solutions should not exacerbate or
13 create excessive and unnecessary detention for defendants awaiting
14 arraignment. Proposals must demonstrate partnership between judges,
15 district attorneys and the defense community, as represented by a public
16 defender, counsel furnished by a private legal aid bureau or society or
17 counsel furnished pursuant to a plan of a bar association, as appropri-
18 ate.

19 § 3. In order to promote innovative solutions by a county or group of
20 counties, proposals may include approaches that are inconsistent with

1 existing statute or regulation with respect to geographical jurisdic-
2 tion, venue, and/or use of video conferencing for arraignments.
3 Approval of such proposals as part of a grant award under this program
4 shall deem such approaches to be lawful and legal in the pilot county
5 for the duration of the grant period, notwithstanding any state law or
6 regulation with respect to geographical jurisdiction, venue, and/or use
7 of video conferencing, and only after notification of such approaches is
8 made public by the office of court administration, in a manner it deems
9 appropriate. Such notwithstanding of current law and regulation shall be
10 limited to the process of arraignment, and shall not be deemed to
11 continue for subsequent court proceedings.

12 § 4. Each county awarded such a grant shall report, as a condition of
13 its contract, on the improvements made and results achieved during the
14 term of the grant, as measured by the increased presence of counsel at
15 arraignments and impacts on the length of detention prior to arraign-
16 ment.

17 § 5. The program shall be administered by the office of court adminis-
18 tration according to the direction of a committee comprised of a repre-
19 sentative of the governor, a representative of the judiciary and a
20 representative of the office of indigent legal services, which shall
21 review and select the proposals to receive grants, and the amount to be
22 awarded, under this pilot program. In administering the program, pref-
23 erence shall be given to first addressing the needs of Washington, Onon-
24 daga, Ontario, Schuyler and Suffolk counties. In addition, the process
25 by which grants are awarded shall reflect the guidance to counties
26 contained in section two of this act, the flexibility provided in
27 section three of this act, and the reporting requirements of section
28 four of this act. Before March 31, 2016, the committee shall make a

1 report to the governor, the temporary president of the senate, the
2 speaker of the assembly and the executive director of the office of
3 indigent legal services on the success of this pilot program.

4 § 6. This act shall take effect April 1, 2013, and shall expire on
5 April 1, 2016 when upon such date the provisions of this act shall be
6 deemed repealed.