

**A RESOLUTION TO BE SUBMITTED  
BY THE WEST SENECA TOWN COUNCIL**

**RE: Supporting Assemblyman Burke’s dangerousness hearings legislation known as the “Justice for Rachael” Act and Senate Bill S7530, an act to restore judicial discretion relating to bail reform sponsored by Senator Gallivan.**

**WHEREAS**, bail reform measures were included in the 2019 New York State omnibus budget package; and

**WHEREAS**, these reforms are causing significant concern in our community and among law enforcement officials; and

**WHEREAS**, New York State Assemblyman Patrick Burke has introduced legislation that would establish a system of dangerousness hearings that would create a process to keep potentially dangerous individuals in pre-trial custody and Senator Patrick Gallivan is sponsoring legislation to provide courts with the authority and tools necessary to render securing orders, when an individual charged with a crime(s) continues to pose a danger to the community; and

**WHEREAS**, Assemblyman Burke’s legislation adds a new section 510.55 of the criminal procedure law; and

**WHEREAS**, section 510.55 of the criminal procedure law establishes the conditions under which the people may seek pretrial detention due to the dangerousness of the principal; and

**WHEREAS**, upon the appearance of the principal charged with an offense listed in subdivision 1 of Assemblyman Burke’s legislation, and upon the motion of the people, the judge shall hold a dangerousness hearing. After the hearing and pending trial, the judge shall issue an order that either the individual be released on his or her own recognizance, released on certain conditions, or detained; and

**WHEREAS**, if after the dangerousness hearing, the judge finds by clear and convincing evidence that no conditions of release will reasonably assure the safety of any other person or the community, the judge shall order the pretrial detention of the principal; and

**WHEREAS**, Assemblyman Burke’s legislation is named in memory of Rachael Wierzbicki, who was killed in a domestic dispute and her alleged murderer was promptly released on bail, not considering the danger he posed to the community.

**WHEREAS**, Senator Gallivan’s legislation requires that a risk and needs assessment be utilized to assist the court in making such determinations.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of West Seneca goes on record in support of the “Justice for Rachael” Act in the New York State Assembly and Senate Bill S7530, in the New York State Senate; and be it further

**RESOLVED**, that a certified copy of this resolution is sent to New York State Governor Andrew Cuomo, the Speaker of the New York State Assembly Carl Heastie, Senate Majority Leader Andrea Stewart-Cousins and any other party deemed necessary and proper.

**FISCAL IMPACT:** None for resolution.