

## Gaughran details his plans for 2020

Gaughran: Bail-reform bill needs changes

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JAMES GAUGHNAN STATE SENATOR,  
DISTRICT 5

### **SOME OF THE SENATE'S NEW VOTING-REFORM BILLS**

College or University Provided Polling Place would require that a polling location be on the grounds of a college or university where there are 300 or more registered voters on campus.

Ensuring Access to Early Voting for New York's Population Centers would require that the municipality with the largest population in each county have at least one early-voting location.

Early Voting on Long Island would require that every town and city have at least one early-voting location.

High Population Early Voting Polls would require New York's largest cities and towns to have at least one early-voting site per 50,000 registered voters.

Exempting Schools From Early Voting Locations would exempt school buildings from being used as early-voting sites.

By Laura Lane (<mailto:llane@liherald.com>)

State Sen. James Gaughran, who represents District 5, has many plans for the new year. Although Gaughran, a Democrat from Huntington, chairs the Senate Committee on Local Government, he remains passionate about issues that are important to the entire state, including the bail-reform law crafted to reduce pretrial incarceration.

Passed in the Legislature last April and signed by Gov. Andrew Cuomo, New York's bail-reform law took effect this month. It eliminates the requirement of cash bail for most misdemeanors as well as nonviolent crimes. Additionally, prosecutors must now share evidence with defense attorneys earlier in the trial process, within 15 days of a defendant's arraignment.

Gaughran maintains that the law needs changes. He sponsored a bill last June that would have required bail for 65 additional crimes not included in the current law, including hate crimes. He did not attract enough support to pass the bill last summer, but he reintroduced it on Jan. 10, and is confident it will pass this time.

“The main purpose is to give judges judicial discretion when there may be a risk to public safety,” Gaughran said. “The person being charged would be remanded and held until the judge deems it proper, to protect society. Also, judges would be able to protect defendants from themselves, like drug addicts who feed their habit by [committing] burglaries. They need help, not to just be put back in the street.”

There are other problems with the law, he added. Last week he co-sponsored a bill with Sen. James Scoufis, a Democrat from Woodbury, that would expand the use of electronic monitoring for those charged with nonviolent crimes, including harassment.

## **NEW QUALIFYING OFFENSES FOR PRE-TRIAL DETENTION**

Gaughran's bill would give judges additional discretion to determine whether a criminal defendant should be held in custody or be required to post bail or bond as a condition of pre-trial release.

Third-degree assault.

Failure to register as a sex offender.

Aggravated assault on a person younger than 11.

Patronizing a person for prostitution in a school zone.

Criminal possession of a weapon on school grounds.

Certain offenses related to organized crime, including enterprise corruption.

Directing a laser at an aircraft.

Aggravated vehicular assault.

Criminally negligent homicide.

Second-degree manslaughter.

Certain offense against public order, public sensibilities and the right to privacy, including first-degree aggravated harassment.

All class-A felony drug related crimes, which can be related to drug trafficking.

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“We need to be sure people come back to court,” Gaughran said. “In crafting this bill, I consulted with the district attorneys in Nassau and Suffolk counties, some of the police unions, the sheriff in Suffolk County and crime victim advocates.”

Defendants who have been convicted of felonies for violent crimes should be electronically monitored if they are facing new charges that don't qualify for bail, Gaughran said. “Judges need to be able to make their decisions based on the individual before them,” he said, adding that the overall intent of the bail-reform law is important. “We shouldn't have two systems of justice for those who can afford bail and those who can't. But we need changes to give judges the authority to protect the public if they feel the individual before them poses a threat.”

The Senate, 2019

Thirty-six bills passed in the Senate last year and 16 passed in both the Senate and Assembly. Cuomo signed 11 into law and vetoed the other five.

Last week Gaughran began tweaking all of the bills that were vetoed. He plans to reintroduce them, he said, adding that he hoped they would earn Cuomo's signature this year.

Cuomo vetoed a bill that would have required a study of the health impacts of low-flying aircraft headed for Kennedy airport. Flight patterns have been altered during construction at the airport, increasing air traffic and noise in parts of Gaughran's district, including Old Brookville and Upper Brookville. Residents have complained that the noise from the jets is deafening.

“The governor's veto was based on cost,” Gaughran said, adding that he had indicated in his bill that the state departments of transportation and environmental conservation should do the study. “I felt the study could have been accomplished using employees in those departments, but the governor felt otherwise. I'm going to submit legislation to be adopted through the budget.”

His top priority, he said, is to obtain significant funding for the district's public schools, and he is looking for a substantial increase. Cuomo authorized a \$1.62 billion jump in school funding last year. Gaughran said he would like to see that figure surpassed.

“Part of the issue is the deficit,” he said. “How can we maintain the funding for the schools with this deficit? I’m going to be forceful that we can’t tax our way out of this problem. We’re overburdened with taxes now.”

Gaughran has also reintroduced a bill he sponsored in November that would give the Department of State greater discretion in disciplining real estate brokers or sales people found violating provisions of the state human rights law. “If a real estate person is found to discriminate against someone based on race, religion or anything else . . . they should lose their license,” he said. “Right now, the . . . Department of State investigates complaints and regulates licenses, but they can’t take away a license.”

Also on the agenda is more election reform, which the Senate voted to enhance on Jan. 9. The bills it is proposing would authorize automatic voter registration, exempt schools from being used as early-voting locations and strive to improve early-voting laws.

Last year, election reforms included early voting. The new bills, Gaughran said, increase the number of sites, which would benefit those living in his district. “Large municipalities must have one polling place for every 50,000 voters,” Gaughran said. “I was involved in the drafting of this bill because of Glen Cove, which didn’t have an early-voting site before.”

The new bills also exclude school buildings as sites for early voting. Ten days of early voting were difficult for schools to accommodate, Gaughran explained. They are open to shutting down a gym, for example, for one day for voting, but it is difficult for them to do that for 10 days.

Gaughran said he would also reintroduce a bill to create a water authority for the 4,500 homes in Sea Cliff and Glen Head that use New York American Water. “By passing this bill,” he said, “residents will have the option to start negotiating with, for example, Jericho Water District, which can’t negotiate directly with the residents. An entity needs to be created for them to talk to.”

