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New York State Association of Criminal Defense Lawyers February 12th, 2026 Public Protection Hearing Testimony

My name is Kevin Stadelmaier and I am the President of the New York State Association of Criminal Defense Lawyers and the First Deputy Defender of the Erie County Assigned Counsel Program.

NYSACDL is a statewide organization of criminal defense attorneys, representing over 2,000 private attorneys and public defenders who practice in courthouses in all parts of New York State and at all levels of the court system. NYSACDL is a New York State affiliate of the National Association of Criminal Defense Lawyers, a professional bar association founded in 1958 that has over 40,000 affiliated members nationally.

The Erie County Assigned Counsel Program is the largest 18-B ACP outside New York City. With approximately 230 panel attorneys, Erie ACP assigns more than 22,000 cases for both criminal and family court clients each year.

Please accept the following as my written submission, provided in advance of my oral testimony to be delivered on Thursday February 12th.

THANK YOU FOR PROTECTING BAIL AND DISCOVERY

After year-on-year battles, we profusely thank both houses for standing strong against bail and discovery rollbacks during last year's budget cycle. Last year was a bruising fight. In the end, we are grateful that all parties, the Assembly, the Senate and the Governor, reached a resolution that kept intact the hard-won Discovery reforms that will benefit generations of New Yorkers. It was clear proof that when we choose to work together, the greatest outcomes are achieved.

RAISE THE AGE WORKS WITH FUNDING

We further thank the Governor for not including any changes to "Raise the Age" in her budget this year. We would implore both the Senate and the Assembly to follow that lead and refrain from including any changes to his landmark legislation in their One House budgets. "Raise the Age" works. Keeping children out of the criminal legal system and free of the crushing consequences of a criminal conviction will see positive generational impacts.

However, as successful as RTA has been, our children need the promised funding streams to implement necessary programs. These programs will prevent further and later interactions with the criminal legal system but have been slow to materialize. Funding diversion anti-violence, educational and support programs for RTA youth result in exponentially successful outcomes. We strongly encourage you to consider fully funding RTA initiatives in this year's budget and urge you to adopt the Youth Justice Innovation fund in your one-house budget proposals.

EXECUTIVE DIRECTOR
JENNIFER CIULLA VAN ORT

The Innovation Fund (A8491 (HEVESI) /S643 (CLEAR)) would be administered by New York State Division of Criminal Justice Services.

It would make \$50 million available to community-based organizations most trusted and best-equipped to serve adolescents and young adults through a grant-making program to support young people who are at-risk for or who come into contact with law enforcement.

Before this, community-based organizations have accessed state funding for youth justice through county plans, meaning that the fabric of community-based support is vastly different in different parts of the state, based on local politics and priorities.

PUBLIC DEFENDER AND 18-B FUNDING CRISIS

We have a crisis in the compensation of criminal defense and family court counsel across New York State.

Institutional providers have long struggled to achieve parity with their colleagues in District Attorney Offices. Based on Indeed and ZipRecruiter data for 2025, PD salaries in NYC average \$95,462 while their DA counterparts average \$107,485. They struggle under crushing caseloads with no meaningful cap on the work imposed upon them.

18-b assigned counsel, despite seeing an increase in their compensation for the first time in 19 years in 2023, have already seen an erosion of their take home compensation with increases in inflation, cost of living and taxes. The US Bureau of Labor Statistics has recorded a 5.7% increase in the Consumer Price Index since 2023. Federal CJA rates have increased from \$164/hour in 2023 to \$177/hour for 2026, a 7.9% increase in recognition of the always increasing cost of living. Continued failure to either update the 18-b rate, or enact a COLA, will land it in a similar crisis position as we faced in 2023.

Combined, these two critical parts of the criminal legal system represent a high majority of criminally charged persons in the State of New York, as well as a high majority of family court litigants. We cannot ensure competent, constitutionally mandated defense without their efforts.

Accordingly, it is our very strong recommendation that the following measures be taken as soon as practicable:

- Legislation to ensure Institutional providers are compensated, fairly, and on parity with their District Attorney counterparts in all jurisdictions across New York State
- Passage of the HESC/DALF bill (S.161-Ramos/A.1602-Simon) increasing the amount of funds available for Public Defender and District Attorney Student Loan Forgiveness to support recruitment and retention.
- Extension of the HESCS/DALF program to 18-b assigned counsel, much as the Federal Government does with their “Public Service Loan Forgiveness.” (those independent contractors working an average of 30/hours per week for a month in

the service of an 18-b assigned counsel program can claim a month of credit toward loan forgiveness under the Federal PLSF Program)

- Immediate addition of a cost of living (COLA) increase to 18-b funding, keyed to State or Federal consumer prices indexes, or in the alternative to the Federal CJA rates for federal Criminal Justice Act assigned counsel.
- Review of caseload standards as promulgated by the NYS Office of Indigent Legal Services, and imposition of case caps and the funding required to recruit and retain personnel to meet them.

Unless we act boldly, what is now a major concern, could soon become a major crisis.

REJECT THE GOVERNOR'S PROPOSAL ON THE GRAND JURY PROCESS

The Governor has placed in her budget a proposal to "Streamline the Grand Jury Process." Her press release on the proposal is as follows:

Streamlining Justice by Reducing Costs and Delays in New York Grand Jury Proceedings
Of the 22 states that require indictment by a grand jury in felony cases, New York is the only one that requires a witness to appear in-person to authenticate routine business records before they can be admitted as evidence. This outdated requirement forces witnesses to travel, often from across the country, just to answer a few basic questions about records that are created in the regular course of business. The result is increased costs for prosecutors, lost productivity for companies, delayed cases, and wasted taxpayer dollars.

Governor Hochul will seek legislation to allow routine business records to be swiftly introduced through a sworn affidavit, bringing New York's grand jury procedures in line with modern practice nationwide.

Additionally, key substantive witnesses, located out of state or very far from the grand jury, will be able to testify without incurring extreme costs for the state or inconvenience for the witnesses.

These common sense reforms will reduce costs, improve fairness, prevent unnecessary delays, and finally end a uniquely burdensome and outdated process.

NYSACDL strongly opposes this proposal. The grand jury serves as a critical constitutional safeguard in the criminal legal system. U.S. Const. amend. V & NY Const, art I, § 6. New York courts have repeatedly emphasized the Grand Jury acts as a "buffer between the State and its citizens," and it "shields against prosecutorial excesses and protects individuals from unfounded prosecutions." Cost savings and witness convenience should never trump basic constitutional protections.

The Governor's proposal would allow video testimony for certain substantive witnesses who live outside the district where the Grand Jury appears, and allow remote appearances to authenticate business records.

Under the budget proposal, witnesses can easily relocate 100 miles away or merely claim they live 100 miles away. But beyond that, video appearances create a shield for witnesses. They dilute the solemnity and gravity of the grand jury proceeding.

Not only will a grand jury be hindered from making important credibility determinations, no safeguards will ever assure that the witness is not being influenced by another person in that room, being coached or is reading from a prepared document.

Grand Jurors should be able to view an accuser or witness in person and assess their credibility with them sitting in the same room. While the Governor's proposal seeks swifter justice, clearly, due process should not be sacrificed. NYSACDL strongly opposes this amendment to article 190 of the Criminal Procedure Law.

NYSACDL LEGISLATIVE PRIORITY HIGHLIGHTS

Finally, NYSACDL has outlined several Legislative Priorities for the upcoming session. I have attached our document outlining the same. All of these are of critical importance. We would urge you to examine each of them with an eye toward passage. However, I'd like to highlight four (4), which solve longstanding criminal legal system issues.

First, **Restoring Appellate Rights (S329-Bailey/A673A-Cruz)**. Allowing for review of suppression hearing decisions even after a plea and appeal waiver is a critical step toward assuring law enforcement and judicial accountability. Criminal Procedure Law already authorizes appellate review after a guilty plea. But prosecutors repeatedly thwart this right by requiring people to waive the right to appeal. Misconduct by law enforcement remains shielded from further review. Trial courts receive little guidance on constitutional standards. We should not force accused persons to make a Hobson's choice of forgoing their right to litigate suppression issues in favor of avoiding a potential trial penalty. We should encourage appellate guidance on important constitutional protections.

Second, the **Treatment Court Expansion Act (TCEA) (S4547-Ramos/ A4869-Forrest)**. Criminalizing individuals facing mental health challenges has overpopulated our jails and overburdened our mental health treatment apparatus. This bill will expand Article 216, judicial diversion, providing an off ramp from the criminal legal system for those with mental health and/or substance use disorders, developmental disabilities, and other functional impairments that are connected to their legal issues.

Third, **Youth Justice and Opportunities Act (YJO)" (A5293-Walker)/ S4330 Myrie**. New York must act to ensure that young people are protected from the devastating lifelong consequences of criminal prosecutions and oftentimes harsh prison sentences. Due to racially disparate policing, there is a disproportionate number of Black and Brown youth in our state prisons. Once convicted, the chances of rearrest rise significantly and the inability to obtain an education, stable employment or housing further diminishes the chances of a successful future. Extensive research shows that the adolescent brain does not reach full development until the age of 26. YJO expands youthful offender adjudications and provides greater opportunities to our youth.

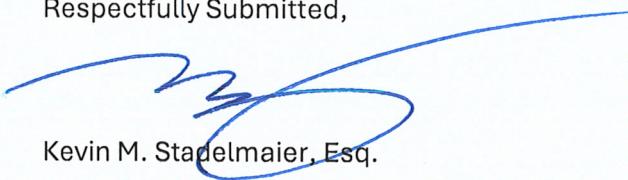
Finally, “**Communities Not Cages**”

- **Eliminating Mandatory Minimums (A1297-Meeks/S1209-Myrie)**
- **Second Look Act (A1283-Walker/S158-Salazar)**
- **Earned Time Act (A1085-Kelles/S342-Cooney)**.

Too many people, especially Black and brown people, serve unnecessarily harsh and unjust lengthy prison sentences. By eliminating mandatory minimums, allowing a second look at persons serving long prison sentences, and incentivizing the accrual of good time, the “Communities not Cages” triumvirate of bills seeks to reduce the population of New York prisons, concurrently saving lives and millions in taxpayer dollars.

Thank you for your consideration in reviewing this written testimony. I look forward to briefly expounding on these and taking your questions in person on February 12th.

Respectfully Submitted,



Kevin M. Stadelmaier, Esq.

President, New York State Association of Criminal Defense Lawyers

First Deputy Defender,
Erie County Assigned Counsel Program.



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New York State Association of Criminal Defense Lawyers 2026 Legislative Priorities

New York State Association of Criminal Defense Lawyers (NYSACDL) is a statewide organization of criminal defense attorneys, representing nearly 1,500 private attorneys and public defenders who practice in courthouses in all parts of New York State. We are the New York affiliate of the National Association of Criminal Defense Lawyers, a professional bar association founded in 1958 that has over 40,000 members nationally.

Below, please find NYSACDL's list of priorities that we hope are reviewed, considered, and passed during this session. Our priorities are listed below with executive summaries.

More in-depth support will be provided upon request. Should you have any questions relevant to these priorities, do not hesitate to contact NYSACDL President-Elect and Legislative Committee Chair Kevin Stadelmaier (kstadelmaier@assigned.org; 716-856-8804 ext. 226) or Vice Chair, and NYSACDL Past-President Yung-Mi Lee (ylee@bds.org 646-787-3317).

I. Stand Strong Against Further Bail and Discovery Rollbacks.

NYSACDL opposes any further rollbacks or tweaks to the landmark bail and discovery legislation. Per Governor Hochul, crime, especially violent crime, is at its lowest level in nearly six decades. We thank the Alliance to Protect Kalief's Law and our partners in the Assembly and Senate for continuing the fight against damaging proposals to gut discovery. Now is the time to acknowledge the unmitigated success of our bail and discovery laws and to move on to collaborating on other priorities: sustaining funding streams to support full implementation of our discovery laws, supporting community building activities that reduce crime and promote prosperity, and protecting the rule of law from a rogue federal administration.

II. Stand Strong Against misguided changes to "Raise the Age."

NYSACDL opposes any effort to roll back or tweak the laws protecting our youth. We must keep our youth out of the adult criminal legal system. NY stepped forward in recognizing that youth, especially those up until the age of 18, should be treated as they are in most states. In recognizing that NY's future rests upon supporting our youth through difficult times, as

opposed to incarcerating them in settings which harm them irreversibly, “Raise the Age” has been a game changer. No amount of statistical manipulation or fear mongering should distract from the positives that have come from keeping our most vulnerable free of long-term damaging consequences arising from youthful mistakes. New York must continue to ensure necessary social services and programs through properly allocated funding.

III. Full state funding for 2024 18-b increases, addition of COLA, removal of caps, and COLA for ILS Hurrell-Harring Statewide Expansion.

While raising the rates to \$158/hour for all 18-b criminal matters in NYS was an outstanding first step, the State must now move forward with assuming 100% of the cost of 18-b, together with a defined yearly COLA increase and the elimination of pay/case caps. Additionally, the State must provide a COLA for the hugely successful statewide expansion of the Hurrell-Harring Settlement to ensure that services commenced due to that funding expansion remain in place.

IV. Opposition to “Cameras in the Courts.” in S462-A (Hoyleman-Sigal)/A1518-A (Weprin).

Over the past six decades, New York has correctly recognized the harms of audio-visual coverage by the media. Journalists already have access to court proceedings. The rights of the accused, who are presumed innocent, however, cannot be outweighed by the prejudicial impact of audio-visual coverage. This misguided bill will undo this long-established practice and the resulting harm to the accused cannot be justified merely because a notorious celebrity may be charged with a crime.

VI. Support for “End Predatory Court Fees Act S318 (Salazar)/A8672 (Reyes).

Predatory court fees are a surcharge on the poor. By eliminating court surcharges, parole and probation fees, mandatory minimum fines, and incarceration and commissary garnishment, we level the playing field for impoverished New Yorkers, the vast majority from minority populations.

VI. Support for Ending Coercive Police Interrogation with Amendment of CPL 60.45 S1860 (Myrie)/A3269 (Vanel).

NYS has historically been a hotbed of false confessions resulting in wrongful convictions. By eliminating the ability of police to lie about the quality of their evidence, or to fabricate evidence to coerce a confession, New York citizens will be better protected from police misconduct, and the incidence of false confessions will be reduced.

VII. Support for “Communities Not Cages”

- **Eliminating Mandatory Minimums (A1297-Meeks/S1209-Myrie)**
- **Second Look Act (A1283-Walker/S158-Salazar)**
- **Earned Time Act (A1085-Kelles/S342-Cooney).**

Reducing the number of incarcerated persons in New York is right, just, and economically necessary. By eliminating mandatory minimums, allowing a second look at persons serving long prison sentences, and incentivizing the accrual of good time, the “Communities not Cages” triumvirate of bills seeks to reduce the population of New York prisons, concurrently saving lives and millions in taxpayer dollars.

VIII. Support for “Youth Justice and Opportunities Act (YJO)” (A5293-Walker)/ S4330-Myrie).

New York must act to ensure that young people are protected from the devastating lifelong consequences of criminal prosecutions and oftentimes harsh prison sentences. Due to racially disparate policing, there is a disproportionate number of Black and Brown youth in our state prisons. Once convicted, the chances of rearrest rise significantly and the inability to obtain an education, stable employment or housing further diminishes the chances of successful future. Extensive research shows that the adolescent brain does not reach full development until the age of 26. YJO expands youthful offender adjudications and provides greater opportunities to our youth.

IX. Support of “Treatment Court Expansion Act” (S4547-Ramos/ A4869-Forrest).

Criminalizing individuals facing mental health challenges has overpopulated our jails and overburdened our mental health treatment apparatus. “Treatment Not Jails” will reform Article 216, judicial diversion, providing an off ramp from the criminal legal system for those with mental health and substance abuse struggles, developmental disabilities, and other functional impairments that are connected to their legal issues.

X. Re-Submission of Suppression Hearing Waiver Bill (S939-Bailey/A152-Cruz).

Denying a convicted person the right to appeal shields the police when they engage in conduct that violates the constitution. By restoring the ability of a convicted person to appeal potentially incorrect rulings after a suppression hearing, even in the event of a plea, we restore accountability in a system that currently lacks the same. This bill merely prevents prosecutors from circumventing the right to appeal already guaranteed in the criminal procedure law.

XI. Support of The Promoting Pre-Trial (PromPT) Stability Act. (S6721a-Ramos/A6455- Septimo).

Removal from one's home or separation from one's loved ones, especially children or dependents, due to the imposition of a "No Contact Temporary Order of Protection" is a substantial deprivation of property and liberty that requires due process. An appellate court has already held that a hearing is required. PromPT codifies the requirement that an evidentiary hearing be held promptly after such deprivation to justify the deprivation through clear and convincing evidence.

XII. SAFTE (Safe and Fair Traffic Enforcement) – (S3662A-Hoyleman/A6631-Jackson).

Study after study demonstrates that Black and Brown people are stopped for low-level, traffic violations with greater frequency. Among those stopped, there are also significant racial disparities in who is searched. This bill addresses this problem by barring police from stopping individuals solely based on specific low-level traffic violations, requires statewide collection, analysis and reporting of data on stops including racial demographics, adds protections for those subjected to purported consent searches, bars racial profiling while providing for procedural remedies, and bars stops for violation level warrants.

XIII: Forensic Sciences Committee Reform Bill (S1274-Gianaris/A3969-Kelles).

Forensic science commissions are established with the ultimate aim to improve forensic science and services, including providing oversight over forensic laboratories, developing standards and guidelines, hosting training sessions, and more. This bill is designed to reinforce the structure and function of the existing New York State Commission on Forensic Science and modernize its powers and duties to meet the needs of today. Making the Commission more independent, accountable, and transparent, while vesting it with the power to conduct meaningful investigations, will strengthen forensic science in criminal courts, improve public trust, and reduce wrongful convictions while preserving the right to a fair trial. An update to New York's oversight structure is necessary to ensure that the broad range of forensic science methods and technologies proposed for use in New York's courts are accurate, reliable, equitably deployed, and ethically used.

XIV: Opposition to Intelligent Speed Limiter Law (A-2299-D-Gallagher/S4045-Gounardes).

Due to civil liberties/privacy concerns, as well as vagueness and differential administration issues, NYSACDL opposes this bill. This bill mandates, after a hearing, the installation of an "intelligent speed limiter" on any vehicle owned or operated by an individual who accumulates 11 speeding points over an 18-month period. The bill also mandates, after a hearing, the installation of an "intelligent speed limiter" on any vehicle owned or operated by a vehicle owner which vehicle accumulates 16 or more speed camera 'notices of

liability' over a 12-month period. The hearings mandated by this bill can be conducted in one of 3 tribunals – administrative, traffic violation bureau or local courts, depending on which tribunal has jurisdiction over the 'case'. There are different laws and regulations regarding procedures and evidence in each of these tribunals, causing uneven application of the hearing process. The bill sets out no 'standard of proof' necessary to make a 'finding'.

Furthermore, the use of GPS technology to track the vehicles in which a 'limiter' is installed raises serious privacy and safety concerns which this bill does not address in any way. The limiter will rely on GPS technology to determine the speed limit for the road. The 'limiter,' however, will be able to slow a vehicle down dramatically, and without warning to following vehicles, as the vehicle enters a slower posted speed limit area, increasing the likelihood of MVA. Additionally, there is no allowance made for other persons, not subject to the law, who may operate a vehicle with a limiter. There are no limitations on the location tracking of vehicles.

The bill provides that the driver or vehicle owner shall pay the cost of installing, monitoring, and maintaining the 'limiter'. Where a person is found to be 'financially unable to afford the cost', the tribunal can arrange a payment plan or waive the cost. Given that many persons subject to this law may be indigent, substantial unknown costs will be passed on to NYS taxpayers for this unfunded mandate. For these reasons, NYSACDL strongly opposes this bill.