



Alan Levine
President

Twyla Carter
Attorney-in-Chief

Tina M. Luongo
Chief Attorney
Criminal Practice

Philip Desgranges
Attorney-in-Charge
Criminal Law Reform

February 12th, 2026

The Honorable Liz Krueger
Chair, Standing Finance Committee
Room 416 CAP,
Capitol Building
Albany, NY 12247
financechair@nysenate.gov

The Honorable Gary Pretlow
Chair, Standing Committee on Ways and Means
LOB 923,
Capitol Building
Albany, NY 12248
wamchair@nyassembly.gov

**Testimony of the Legal Aid Society in Support of Funding for Defender Offices and
Discovery Technology Across New York and in relation to Certain Penal Law Changes
Proposed by the Executive**

Submitted to the Joint Legislative Budget Hearings on Public Protection

Dear Chairperson Krueger and Chairperson Pretlow,

We thank you for this opportunity to provide written testimony as to the continued and urgent need to fund criminal defense work across our state. Likewise, we appreciate your consideration of our opposition to certain penal law amendments proposed in the Executive Budget that would create an unwarranted expansion of a carceral system that this Legislature has rightfully worked to shrink and

reform. We are grateful to the Legislature for recognizing the vital role defenders play in our system and for supporting that constitutionally mandated role by continuing to support funding for staffing and discovery technology into the final state budget. We also share our continued gratitude for your fight to preserve our landmark discovery reform in last year's drawn-out budget process. Your unwavering support resulted in the preservation of Kalief's Law and the crucial early and full access to discovery that is vital for fundamental due process and fair trials.

The Legal Aid Society is built on one simple but powerful belief: that no New Yorker should be denied the right to equal justice. We seek to be a beacon of hope for New Yorkers who feel neglected -regardless of who they are, where they come from, or how they identify. From our start 150 years ago, our growth has mirrored that of the city we serve. Today, we are proud to be the largest, most influential social justice law firm in New York City. Our staff and attorneys deliver justice in every borough, working tirelessly to defend our clients and dismantle the hidden, systemic barriers that can prevent them from thriving. As passionate advocates for individuals and families, The Legal Aid Society is an indispensable component of the legal, social, and economic fabric of our New York City.

We are proud to work in coalition with fellow defenders, advocates, impacted individuals and community organizations, all of whom organize and advocate for investments in our communities and the eradication of the social inequities that too often lead to arrest, detention and incarceration. We are part of coalitions including: NY4All, Parole Justice, Communities Not Cages, Treatment Not Jail, End Qualified Immunity, Youth Justice, Jury of our Peers, End Predatory Court Fines and Fees, Repeal Felony Murder, and Restore Appellate Review; and we will continue to work with our partners across the state to push for a more just, equitable and compassionate legal system and a fully funded social safety net.

Budget Priorities for FY 2026

I. Reappropriate \$40 Million in Statewide Aid to Defense and \$45 Million of Discovery Funding

This is a pivotal time for those providing defense services in the criminal courts of New York State. While much has been accomplished in recent years with the passage of criminal justice reforms and the past years augmentation of aid to defense and discovery funding, much is yet to be done to assure continuation of these hard-fought milestones in criminal defense. We request reappropriation of the \$85 million in statewide aid to defense (\$40M) and discovery funding for the defense (\$45M) via the

Division of Criminal Justice Services, Aid to Localities allocation. This continued infusion helps support defenders across the city and state who have been dealing with high attrition rates and critical technology upgrades. Here at the Legal Aid Society these funds have allowed us to be at the forefront of testing and acquiring new technology, as well as increasing staffing to meet discovery demands. We are making the changes necessary to ensure that every New Yorker we represent is provided with zealous representation with full access to, and understanding of, the evidence against them.

II. Oppose the Sweep of the Indigent Legal Services Fund (ILSF) Proposed in Part FF

We join our sister defender organizations and assigned counsel plans across the state in asking you to oppose the sweep of the Indigent Legal Services Fund (ILSF) proposed in part FF of the PPGG Article VII legislation. This proposal would authorize a transfer of up to \$234,000,000 from the ILSF to the General Fund. The ILSF was established in 2004 and state Finance Law 98-b sets out the limited purposes of this special revenue fund: assist counties and New York City “in providing legal representation for persons who are financially unable to afford counsel pursuant to article eighteen-B of the county law”; “assist the state, in improving the quality of public defense services and funding representation provided by assigned counsel paid in accordance with section thirty-five of the judiciary law”; and “provide support for the operations, duties, responsibilities and expenses of the office of indigent legal services and the indigent legal services board” established pursuant to Executive Law 832 and 833.

This special revenue fund is meant to help the State and counties meet their constitutional obligation to provide effective assistance of counsel to those who cannot afford to hire a lawyer. All of the money in the ILSF is needed to support the ongoing efforts to improve the quality of public defense representation in New York State for all clients. It is up to the Legislature to stop the Executive from taking money away from people who cannot afford legal counsel and the hard-working defenders and defense team members who represent them. We strongly urge you to oppose part FF and strike it from the final budget.

III. Expand Eligibility and Award Amount of the HESC/DALF Program

We urge you to include in your one-house budgets the expansion of the NYS District Attorney and Indigent Legal Services Attorney Loan Forgiveness (DALF) Program to address the unprecedented and crippling attrition in our offices. A majority of indigent legal services attorneys are burdened with overwhelming student loan debt (at least \$100,000 of debt; 38% owing more than \$200,000) forcing many to leave the ranks of public service. The DALF expansion legislation ([S.161/ Ramos /A.1602 - Simon](#)) would accelerate debt relief and provide incentive to help recruit and retain otherwise dedicated

public defenders. In FY25, the Senate allocated the \$4 million of additional funding for DALF expansion in their one-house budget. This year, we urge both houses of the Legislature to allocate funding in the one-house budgets and see it through to the final budget.

IV. Include the Youth Justice Innovation Fund and Release Raise the Age Funds to NYC

We remain steadfast in our support for the landmark “Raise the Age” legislation and the opportunities it can afford young people. However, only a fraction of state funding allocated for implementation of services under Raise the Age has been used by counties to date. Because proper funding for community-based services and programs that form the underpinning of Raise the Age have not been made directly available to community-based providers, the ideals of the legislation have not been realized. We thank the Legislature for its unwavering commitment to protect the Raise the Age laws, and we urge you to champion the funding to invest in our young people and provide them the long-overdue pathways to opportunity.

The Youth Justice Innovation Fund (S643/ A8491) would be administered by New York State Division of Criminal Justice Services, making \$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. We urge the Legislature to take up this bill in its one-house budgets and see it through the final FY27 budget.

V. Fund the Expansion of Treatment Courts Across the State

We urge the Legislature to expand, streamline, and modernize our state’s network of treatment courts in the FY27 budget. Treatment Courts differ from the traditional court process by connecting individuals in crisis with the community-based care they need to address the root cause of their criminal legal system involvement. These programs are incredibly effective at reducing recidivism while saving lives and money. New York has been experimenting with treatment courts for decades, and the Unified Court System operates hundreds of different treatment court programs statewide. Legislation and funding are needed to modernize and streamline these courts, and make access to them more equitable across the state. We urge the Legislature to pass the Treatment Court Expansion Act ([S.4547 - Ramos/A.4869 - Forrest](#)) and include in its one-house budgets adequate funding for implementation.

At a NYS Senate hearing on the Treatment Court Expansion Act in October, Chief Judge Rowan Wilson and Administrative Judge Zayas testified that “diverting New Yorkers living with mental illness away from the traditional court track and into treatment is one of the court system’s highest priorities.” With respect to the Treatment Court Expansion Act, they wrote that “passage of this legislation is important to the Unified Court System, as it represents a potential sea change in how we think about the very nature of criminal justice.”

The Unified Court System estimates that the full scope of implementation will require \$51.4M in additional funding for the expansion of court operations. In addition, the sponsors of the legislation are also seeking \$75M to support the community-based treatment providers who will need to scale up their services to accommodate the new treatment court participants. This up-front investment stands to save taxpayers millions in the long run. We urge you to champion the Treatment Court Expansion Act and secure the appropriation of proper funding to implement this transformative legislation.

VI. End Predatory Court Fees by Including (S.318A/A.8672A) in One-house Budgets

Predatory fines and fees punish New Yorkers living in poverty. They exacerbate the harms of a justice system that already disproportionately impacts low-income New Yorkers, and they represent serious financial barriers to reentry that stop people from moving on after their involvement with the justice system. When governments use predatory fines and fees to raise money, the result is a hidden, disproportionate tax levied on those who can least afford it. This system of taxation-by-citation encourages policing for profit, extracts wealth from people living in poverty, and exposes Black and brown New Yorkers to more encounters with police – all while leaving hundreds of thousands of New Yorkers saddled with debt. Not only is this system unjust, it is also inefficient: the cost to collect unpaid court debt rises every year, while inflation keeps New Yorkers’ income depressed. The result is an unreliable source of revenue for the government, demonstrated by collection rates decreasing every year.

Beyond inefficiency, the predatory court fees in New York State are cruel. Indigent New Yorkers spend nights in jail over amounts as little as \$75, jeopardizing their jobs, family, and stability. And for community members serving time upstate, the state takes the little money families send to support their incarcerated loved ones to satisfy court debt by garnishing commissary monies, depriving incarcerated New Yorkers from the most basic necessities such as food and deodorant.

We encourage the Legislature to include in its one-house budgets the End Predatory Court Fees Act (S.318A/A.8672A), which would put a stop to these injustices. The Act eliminates the mandatory court surcharge to end the practice of using the court system for ineffective revenue generation;

eliminates probation fees so New Yorkers can more successfully reintegrate post incarceration; eliminates mandatory minimums for fines on indigent individuals, giving judges discretion to set fines based on people's ability to pay; and ends incarceration for unpaid fines and fees, as well as commissary and prison wage garnishment.

New Yorkers deserve to live without fear of lifelong debt and poverty, and they deserve a fair, transparent, responsibly funded government. Including the Act in the budget is an opportunity to fund vital services reliably and appropriately and address the fiscal implications of an improved system of revenue generation that does not tax the most vulnerable amongst us. We urge the Legislature to include this bill in both one-house budgets.

Positions on Article VII Proposals in Proposed Executive Budget, Part PPGG

With an ever-vigilant eye toward the erosion of basic due process protections and the over-expansion of criminalization, we offer the following positions on Article VII legislation proposed in the executive budget, part PPGG.

I. Omit Part C (including subpart A Stopping Illegal Homegrown Guns)

This proposal makes it a class E felony to sell, offer to sell, transfer, distribute, or dispose of digital instructions that may be used to program a 3D printer to manufacture or produce firearm components to anyone who doesn't hold both a gunsmith license and a valid type seven federal firearms license. We oppose the criminalization of information sharing.

There are countless reasons to distribute such instructions—e.g., academic or research purposes, interest in the technology—that *could* be used to manufacture firearm components but are not, and people have a First Amendment right to do so. Such instructions might also be shared in fora (digital or not) that are designed for people who have the requisite firearms licenses, but that are not strictly limited to such people. Someone who distributes instructions in such fora would be guilty of a class E felony if people without those licenses happened to be there. Moreover, criminalizing the disposal of something the government doesn't want people to possess has the opposite effect and has no legitimate purpose.

The proposal also makes it a class E felony to possess such instructions with the intent to (a) illegally manufacture the items described, (b) distribute the instructions to a person in NY that the sender has reason to believe would be prohibited from possessing the manufactured product, or (c) distribute the instructions to a person in NY who doesn't hold the required licenses. We oppose the criminalization

of information possession, especially when it invites law enforcement to investigate the purposes for which a person possesses the information.

We likewise oppose this proposal because it creates other new felonies. The proposal makes it a class D felony to manufacture or cause to be manufactured any pistol converter, ghost gun, unfinished frame or receiver, firearm silencer, or major component of a firearm. The proposal also makes it a class D felony to transport or ship any pistol converter or ghost gun, or to dispose of or transport a convertible pistol.

II. Omit Part D: Developing a Comprehensive Plan for Drones

We oppose this proposal because it unnecessarily creates new crimes for drone use, when existing rules are enough. The proposal is vague (e.g., what does it mean to “facilitate[s] criminal activity,” or “create[] a significant risk of physical injury to a person or damage to property”? What counts as a “large public gathering”? Who counts as “someone the person reasonably believes has the authority to grant such approval”?) and doesn’t give individuals a clear understanding of what is prohibited and what isn’t—meaning that even lawful drone use will be chilled. We are concerned this proposal is aimed at prohibiting private individuals from recording government operations more so than any kind of purported safety/security interest (see <https://www.404media.co/feds-create-drone-no-fly-zone-that-would-stop-people-filming-ice/>). Given the increase in federal agents in our communities, now more than ever, we urge you to reject any proposal that would limit civilian oversight of government action.

III. Omit Part H: Extend Orders of Protection

Part H seeks to amend CPL 530.12 and 530.13 to require that a temporary order of protection continues to be in effect until the defendant appears in court on an arrest warrant or otherwise appears. As with several other Article VII proposals, this proposal does not have a budgetary component and should be moved out of the budget and addressed as a stand-alone bill. Also, we are not aware of any cases in which the court has not continued an order of protection under these circumstances, making this amendment unnecessary.

IV. Omit Part I: Streamline Justice by Reducing Costs and Delays in NY Grand Jury Proceedings

We urge the Legislature to oppose “Part I” in the PPGG proposed Article VII legislation. 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 that 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.

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. A grand jury would be hindered from making important credibility determinations and no safeguards would be able to assure that the witness is not being influenced by another person in that room, being coached, or 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, it does so at the expense of due process, a protection which should not be so easily sacrificed. We strongly oppose this amendment to article 190 of the Criminal Procedure Law.

V. Omit Part K: Protecting Safe Access to Worship and Health Care

While we no doubt support free access to reproductive healthcare centers and places of worship, we believe such access is now well protected under current law. As such, we oppose legislative and executive proposals that seek to create demonstration-free buffer zones around places of worship and reproductive health care facilities across New York State. We believe such proposals are unconstitutional, unnecessary and will lead to increased police interaction and criminal system involvement for New Yorkers exercising their civil rights. Indeed, these measures will stifle political speech and expose more people to the brutality of arrest and criminalization simply for speaking their minds.

The Supreme Court has long held that the state cannot create speech-free zones without a significant interest that would justify the means. This is for good reason: First Amendment principles are at the heart of maintaining democracy. Here, there is no record that comes close to justifying so drastic a solution as a statewide speech-free zone outside of all places of worship and reproductive health facilities. The First Amendment flatly prohibits it.

We must also note that new laws that suppress public speech and increase criminal penalties are unnecessary especially where existing laws address the problem. Indeed, our criminal laws already contemplate alleged harassing and violent conduct outside of religious and

reproductive health facilities. And there is no record of violence, intimidation, or interference resulting from protests outside such facilities in New York City—or elsewhere in the State—that current law cannot address. The buffer zone proposals criminalize speech and so will ultimately increase the number and intensity of encounters between civilians and overzealous law enforcement—a result that will disproportionately affect not only certain viewpoints but also communities that are already over-policed.

Finally, the proposal will unnecessarily, and unconstitutionally, disturb the free speech protections that are already in place in New York City. After years of litigation by Legal Aid and co-counsel, plaintiffs in *Payne v. DeBlasio et al.*, and the consolidated cases *In Re: NYPD Policing During Summer 2020*, along with the NYPD, entered into a landmark settlement (“Payne Settlement”) that addresses the policing of First Amendment activities in New York City as a result of the NYPD’s repressive policing of protests in the wake of George Floyd’s murder at the hands of the police. The purpose of the settlement is to task the NYPD with *promoting*, whenever and wherever possible, First Amendment activity. The settlement implemented a tiered response to protests that intends to *prevent* the chilling of free speech that occurs as a matter of course when there is an outsized police presence at First Amendment activities.

Were this proposal to pass into law, it would upset the carefully negotiated balance of the settlement by requiring law enforcement to enforce buffer zones and thus unnecessarily involve themselves with peaceful protests, demonstrations, and other First Amendment activity. Modern policing experts understand that police presence at protests can escalate crowd tension instead of promote safety.¹ To address this understanding, the settlement required the NYPD to adopt a tiered approach to policing protests, in which they stage their resources out of the view of protesters, and only increase visibility if necessary as a protest moves up the tiered system. S.8599 / A.9335 and the analog executive proposal would undermine this provision in the settlement agreement by inviting police presence to effectuate the twenty-five-foot buffer zones at the specified locations. The settlement, just like the First Amendment, applies equally to all protests and does not differentiate between certain locations or viewpoints to make exceptions as to where and how First Amendment activities are allowed. Importantly, the settlement also considers sensitive locations, which include health clinics, and provides a mechanism for the NYPD to secure entry to sensitive locations while facilitating ongoing protest.

With the *Payne* settlement, and existing law, the NYPD has numerous tools at their disposal to ensure that protests remain peaceful while enabling access to protest and to the locations that this proposal seeks to protect. Requiring the proposed buffer zones will burden protestors and the NYPD

alike by creating new criminal penalties that will unnecessarily place members of the public at risk and create serious legal conflicts with legal obligations that the NYPD has adopted through a multi-year, binding settlement.

We urge the Legislature to reject both Part K of the executive proposal in PPGG and the analog bill, S.8599 / A.9335.

VI. Omit Part L: Sensitive Locations Protection Act and Adopt the NY 4 All Act (S.2235-A/A.3506-A)

While we support the proposals contained within Part L, this proposal provides only a small slice of the protection that New York 4 All (S.2235-A/A.3506-A) will provide when passed. The narrow effects of this proposal may also, in some contexts, offer a false promise to immigrant communities. We suggest that the Legislature omit Part L and instead adopt the comprehensive NY 4 All Act, which has broader reaching protections for immigrant New Yorkers.

We strongly agree that New Yorkers should be able to attend school, access childcare, seek medical care, attend worship, and access all areas of government property in peace. Likewise, we strongly agree that enforcement should be subject to a judicial warrant. However, this proposal does not go far enough to address the manner in which the federal government is now enforcing immigration laws. Part L would prohibit access for civil immigration enforcement purposes to certain non-public areas of government properties without a judicial warrant – but only those that are deemed “sensitive” locations. New York 4 All would apply this protection to nearly all areas of government property, ensuring that none of our resources are misused for immigration enforcement.

Furthermore, this proposal purports to “empower” private facilities that are designated sensitive locations to prohibit access to ICE to the maximum extent under law. However, this does not create any new protections for these areas and does nothing more than reiterate the rights people already have. We urge the Legislature to set aside this proposal and swiftly pass NY 4 All to ensure that all New Yorkers can live without the constant anxiety that living daily life in the open and interacting with the government could lead to being torn away from family.

We must also note that outside of the budget process, but surely intended to enter into the negotiations, the Governor has proposed the “Local Crimes Local Cops” legislation, which does address collusion between ICE and local law enforcement but does not go far enough to protect New Yorkers from federal overreach. Now, even without a 287(g) agreement, local law enforcement can and do freely share

information with ICE to abduct New Yorkers and coordinate the transfer of New Yorkers to ICE where they suffer horrific abuses. Without New York 4 All, our communities remain vulnerable and under threat by ICE.

As ICE terrorizes New Yorkers, now is the time to push for the full protections our communities deserve. New York has both the power and the responsibility to do more. The New York 4 All Act will ensure that our local tax dollars and resources are not used to aid and abet ICE's crimes against humanity and that our local agencies – including our schools, public hospitals, shelters, and more – are not acting as agents of ICE. We urge the Legislature to include this crucial legislation in its one-house budgets.

VII. Amend Part M, Excise the Enshrinement of the Defense of “Qualified Immunity”

While we vehemently support efforts to hold federal immigration agents and their collaborators accountable, the current bill undermines its own stated purpose. By codifying qualified immunity into New York State law *for the first time*, this proposal gives New Yorkers a day in court — and guarantees they will almost certainly lose when the doctrine of qualified immunity is invoked. New York State can't fight federal overreach by handing federal agents a legal shield. Any real solution requires both eliminating qualified immunity and passing comprehensive legislation such as New York 4 All that ends all forms of collaboration between state and local law enforcement and ICE. All New Yorkers deserve to feel safe in their communities and to have a meaningful path to justice when their rights are violated. We reject any legislative effort that forces a false tradeoff between protecting immigrant communities and securing accountability for all marginalized New Yorkers. We urge the Legislature to remove language in paragraph 2a. of this proposed Article VII legislation that enshrines, for the first time, qualified immunity as a defense when federal officials are sued for violating people's civil rights.

Positions on Additional Proposals That Impact the Criminal Legal System

I. Omit Parts D, F, and R of the PPGG Article VII Bill, Part P of the ELFA Article VII Bill, and Part F of the TED Article VII Bill Because They Expand Criminalization

We oppose legislation that seeks to criminalize more conduct, adding to New York's already overwhelming number of offenses, and proposals that increase the penalties for existing offenses. Criminalization and increased penalties should not be the default method for solving problems, and it is often ineffective, punishes individuals not corporations, and/or has unintended consequences. These proposals encompass a wide range of behaviors, use vague language when defining new crimes, and may

criminalize constitutionally protected activities. These proposals should be addressed outside the budget process so that the Legislature is able to carefully analyze each one and receive input from the public.

II. Omit TED Article VII Part D: Stop New York City's Super Speeders through Intelligent Speed Assistance

This proposal would authorize New York City to establish an “Intelligent Speed Assistance Device” pilot program. The proposal raises several questions that cannot be adequately addressed during the budget process, creates a new class A misdemeanor, and would impose unspecified new fees on certain individuals.

First, it is unclear how the proposed technology works—specifically, how it will “allow for limited further acceleration past the speed limit, if necessary, based on traffic conditions.” In some situations, the safest thing to do is to accelerate past the speed limit, and if the device prevents that, then these devices will be counterproductive. The proposal prohibits any person from “tamper[ing] with or circumvent[ing] an otherwise operable intelligent speed assistance device.” This is not limited to people who are required to have such devices in their vehicles. “Tamper with” and “circumvent” are both vague in this context, and could chill innocuous research, repairs, and enhancements that people might want to undertake themselves. The proposal prohibits vehicle owners from permitting another person to operate their vehicle without an intelligent speed assistance device when the vehicle is mandated to have the device. This means that people can be subjected to the device merely because they share a car with someone required to have it. Finally, the proposal permits a program to require a person to install and maintain a functioning intelligent speed assistance device but does not add a guarantee that individuals who can’t afford the device won’t have to pay for it. This would result in indigent New Yorkers being subjected to additional fines and penalties simply because they cannot afford the device. In sum, too many uncertainties exist in this proposal and it should be omitted from the budget and considered in the normal course of the deliberative legislative process.

III. Omit TED Article VII Part Y: Establish the Safe by Design Act

We oppose this proposal because it appears to mandate age verification for every website, online application, or mobile publication that allows users to either create profiles and message each other or create games/immersive digital environments and exchange money for digital currency. The proposal expressly states that self-declaration of age isn’t a proper form of age assurance. This means that all people (adults and minors alike) will need to turn over personal information in order to use most platforms. The U.S. Supreme Court has recognized that the “most important places . . . for the exchange of views” are “the ‘vast democratic forums of the Internet’ in general . . . and social media in particular.”

Packingham v. North Carolina, 582 U.S. 98, 104 (2017). And the age verification scheme in this proposal far exceeds the limited restriction the Supreme Court upheld in *Free Speech Coalition, Inc. v. Paxton*, 606 U.S. 461 (2025). While the Court in *Paxton* recognized that “[a]dults have the right to access speech that is obscene only to minors,” and “submitting to age verification is a burden on the exercise of that right,” the Court held that an age-verification law that “regulates only speech that is obscene to minors” was subject to intermediate—rather than strict—scrutiny. *Id.* at 482. The Safe By Design Act, in contrast, is a sweeping restriction on access to information that is fully protected under the First Amendment. Indeed, the Safe By Design Act makes *no mention* of content obscene to minors—and even if it did, the law clearly reaches far beyond such content. People shouldn’t have to give up their personal data—and expose themselves to the risks of fraud, identity theft, and more—in order to exercise their First Amendment rights online. Nor should Internet users be robbed of the ability to speak anonymously online. Online fora can be the only spaces where people are safe to discuss sexuality, disabilities, political causes, and other sensitive topics. Age verification schemes like this one force people out of those spaces, which can lead to devastating consequences for individuals and society as a whole. This proposal should be opposed in the one-house budgets and afforded more deliberative scrutiny in the regular legislative process.

Pass Legislation that Creates and Expands Pathways to Release

We cannot conclude this testimony without advancing the urgent and collective call for creating and expanding meaningful pathways to release from our state prisons. The longstanding crisis across our state prison system was brought into public view after the on-camera killing of Robert Brooks. New York State leadership promised swift reform but instead of reform, people inside continued to die while suffering through an illegal work stoppage which created staffing shortages, the consequences of which continue to reverberate to this day.

As we stated in support of a [joint letter sent to the Governor and the Legislature in August 2025](#),¹ “New York State’s prison system remains in a full-fledged crisis, and only decarceration can deliver the immediate relief needed for the people we serve who continue to languish in these deplorable facilities. The Governor must use her immense powers — from clemency to compassionate release — to bring people home. At the same time, it is incumbent upon the Legislature to do its part by advancing pending bills, many of which already enjoy support from law enforcement, to reduce the prison population.”

¹ See “Joint Letter Regarding NY’s Prison Crisis - Aug. 2025 available at <https://www.documentcloud.org/documents/26070102-joint-letter-regarding-nys-prison-crisis-aug-2025/>

More recently, a [comprehensive report authored by Senate Corrections Chair Senator Julia Salazar](#)², again brought the ongoing crisis into clear relief and offered concrete suggestions for immediate course correction and protection of the New Yorkers suffering inside prison walls. We thank the Senator for her dogged persistence in pursuing reform and again urge this Legislature to take up the existing legislation that would offer immediate relief to people behind the walls. Among these are, The Earned Time Act (S.342 Cooney/A.1085 Kelles), The Second Look Act (S.158 Salazar/A.1283 Walker), The Marvin Mayfield Act (S.1209 Myrie/A.1297 Meeks), Fair and Timely Parole (S.159 Salazar/A.127 Weprin) Elder Parole (S.454 Hoylman-Sigal/S.514 Davila), and the Wrongful Convictions Act. (A7422B Walker/S Myrie). The state should also fully abide by and implement the HALT Solitary Act and pass the Rights Behind Bars Act. These individual pieces of legislation will improve safety both inside prison walls and in our communities. People continue to suffer and die inside our prisons; it does not have to be that way. We urge you to take immediate action to transform a system that, as Senator Salazar rightly notes, has been built on brutality.

² *BUILT ON BRUTALITY* How a system founded on violence, racism, and coverups continues to maim and murder with impunity: A contextual analysis of testimony presented at the NYS Legislative Joint Public Hearing on: Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities. Written by: New York State Senator Julia Salazar, January 2026 and available at https://www.nysenate.gov/sites/default/files/file/2026-01/built_on_brutality_report_2026.pdf

Conclusion

Thanks to the leadership in the Legislature, we have made great strides in recent years to make our criminal legal system more just and equitable in outcome; however, our work is far from done. We thank you for your continued commitment to fund the critical work of public defenders. We offer our partnership in advancing our shared goals of true pathways to safe release for people inside state prisons and the investment in stable and thriving communities. We encourage you to continue divesting in the tools of incarceration while investing in the social services, housing, health care, and robust public education and opportunities for our youth that create opportunity for all New Yorkers.

If you have any questions about our testimony, please email Criminal Defense Practice Policy Director Amanda Jack ajack@legal-aid.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Luongo".

Tina Luongo
Attorney-In-Charge
Criminal Defense Practice