

Warren County Board of Supervisors

RESOLUTION NO. 631 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, HOGAN, BRAYMER, LEGGETT AND DRISCOLL

RESOLUTION ENCOURAGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO ENACT LEGISLATION TO PROVIDE LOCAL DISCRETION ON PRE-SENTENCE INVESTIGATIONS IN PLEA DEALS RESULTING IN LESS THAN 1 YEAR IMPRISONMENT

WHEREAS, New York State Criminal Procedure Law (CPL) section 390.30 requires County Probation Departments to conduct investigations and complete pre-sentence investigation (PSI) reports for the court, and

WHEREAS, the City of New York has the authority to decide whether a PSI is necessary in these situations, and

WHEREAS, Warren County believes that this legislation will reduce the workforce shortage and some of the current burden placed on Probation Department, District Attorney's Offices, Public Defender's Offices, Sheriff's Offices, and the Courts by not relying on unnecessary PSI's prior to sentencing, and

WHEREAS, this legislation will also ensure a common statement practice for the use of PSI's across New York State when there is a plea agreement in place for local incarceration of up to 365 days and will aide in expediting sentencing those defendant who are incarcerated in County jails, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby encourages the New York State Legislature and the Governor enact legislation A.4998 (Paulin) that would correct a deficiency within the existing statute under the very specific circumstances when a PSI report is not required regarding a sentence of imprisonment of one year or less so long as the sentence was negotiated and agreed to by the defendant, the District Attorney, and the court at the time of a defendant's plea of guilty, and be it further

RESOLVED, that the bill grants local Probation Departments discretion regarding the requirement of a pre-sentence investigation and written report would be eliminated when a term of imprisonment for 365 days or less has been agreed upon by the parties with consent of the judge as a result of a conviction or revocation of a probation sentence, and be it further

RESOLVED, that copies of this resolution be sent to the Counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this resolution to the Governor of the State of New York, the New York State Legislature, and all other deemed necessary and proper.