



2025

PUBLIC PROTECTION

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Our Plan for a Safer New York State



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Accountable

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Drug Epidemic

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Enforcement

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Children



Holding Criminals Accountable

Repeal Bail “Reform”

Restore judicial discretion, authorize judges to consider “dangerousness” when determining pre-trial release, make all gun crimes eligible for bail/remand.

Discovery Reform

Extend Discovery period, limit disclosure of Discovery materials to only those materials that are “relevant” to the case.

Address Raise the Age

Require Youth-Part Criminal Court for violent felony offenses, ensure access to juvenile delinquency proceeding records, and require victims of crimes committed by a person under 18 to be made aware of the final disposition of a case.

Parole Changes/Victim Support

Require a unanimous vote to grant early release, authorize life in prison without parole for persistent violent felony offenders, mandate life without parole for the sexual assault and murder of a child under 18, and allow the Legislature to remove Parole Board Commissioners. Reform our parole system to ensure dangerous individuals stay off the streets. Give victims more of a voice in parole release proceedings.

Enhanced Penalties/ Enforcement

Provide more tools to prosecutors by increasing penalties for gun crimes, making it easier to prosecute retail theft, and granting the ability to target gang violence in New York State

Tackling the Opioid and Drug Epidemic



Support Addiction Treatment

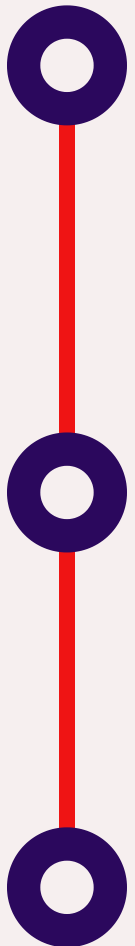
Create dedicated opioid rehabilitation facilities, expand required insurance coverage for substance abuse treatment, and allow for longer holds when one is at risk for continued substance abuse.

Target Drug Manufacturers and Dealers

Provide additional tools to law enforcement and prosecutors to go after those who manufacture, distribute, and/or sell illegal controlled substances, and support "Death by Dealer" laws.

Protect New Yorkers from Fentanyl and Dangerous Drugs

Punish distribution, increase penalties for exposing law enforcement to fentanyl, and educate New Yorkers on the extreme danger posed by fentanyl.



Supporting Law Enforcement

Protect Law Enforcement

Ensure officers have access to important safety equipment and protect law enforcement from unfounded complaints

Punish Criminals Targeting First Responders

Go after criminals who purposely target police officers and other first responders

Safety for Correctional Officers

Repeal the HALT Act, prevent dangerous contraband from entering our correctional facilities, and penalize the harassment of correctional facility employees



Protecting New York's Children



Zero Tolerance for Sex Offenders

Require lifetime parole supervision for violent sex offenders and prohibit their early release. Prohibit certain sex offenders from voting at a school or facility for children.



Ensure School Safety

Implement the recommendations of the Assembly Republican Task Force on School Safety & Security, including increasing law enforcement presence in schools.



School Bus Safety

Increase penalties for causing injury or death while passing a stopped school bus and protect children from dangerous lithium-ion fires.

RELATED LEGISLATION

List of Bills to Restore Safety to
New York State families, businesses
and communities.



ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Holding Criminals Accountable

- **Judicial Discretion**: Give judges the ability to determine whether violent criminals pose a dangerous threat to the community and if they should be held without bail. Extend the discovery period, limit the disclosure of discovery materials to those materials relevant to the case, allow for the identities of witnesses in murder cases and confidential informants to be kept confidential, permit immediate bench warrant issuance for failure to appear on hate crime charges and place restrictions on the issuance of desk appearance tickets (**A.3183-A, Reilly**).
- **Raise the Age Reforms**: Require violent felony offenses committed by 16- and 17-year-olds to be tried in Youth Part Criminal Court, ensure access to records, and keep victims of crimes committed by a person under 18 aware of the final disposition of cases (**A.6409, Barclay**).
- **Ensure Punishment for Gun Crimes**: Remove all gun crimes from the no-bail list of offenses Democrats established in 2019 (**A.1503, Barclay**).
- **Additional Penalties for Committing Crimes with a Firearm**: Provide for an additional five-year term of imprisonment for committing a felony while possessing a loaded firearm (**A.4222, Mikulin**).
- **Firing into a Crowded Space**: Make it a class B violent felony to fire into a crowded space with the intent to harm (**A.2929, Jensen**).
- **Judicial Discretion/Dangerousness**: Allowing judges to consider the safety of any person or the community when determining pre-trial release for a criminal suspect (**A.9708, Reilly**).

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Holding Criminals Accountable (Continued)

- **Lifetime Post-Release Supervision**: Require lifetime post-release supervision for offenders convicted of Rape in the First Degree, Criminal Sexual Act in the First Degree, Aggravated Sexual Abuse in the First Degree, Course of Sexual Conduct Against a Child in the First and Second Degrees, or Sexual Abuse in the First Degree when the other person is less than eleven years old; prohibits good behavior allowances against a determinate sentence for a person convicted of any such crimes **(A.5463, Barclay)**.
- **"Bella's Law"**: Call for an investigation into possible domestic violence or abuse for persons who have been accused of animal abuse **(A.1276, A. Brown)**.
- **"Clara's Law"**: Require hospitals and health care facilities to report incidents of sexual offense against a patient by a health care practitioner to the Department of Health and the Department of Education **(A.2991, Gallahan)**.
- **"Todd's Law"**: Increase the punishment by one category when a person is convicted of petit larceny or grand larceny and the property stolen is necessary for the daily living of a physically disabled or elderly individual **(A.5402, Smith)**.
- **Witnesses of a Hate Crime**: Protects the identity of witnesses of hate crimes in discovery proceedings **(A.2773, Gandolfo)**.
- **Combination of Petit Larceny Charges**: Authorize prosecutors to combine petit larceny charges within an 18-month period, potentially elevating petit larceny to grand larceny charges **(A.5029, Reilly)**.
- **Parole Reform**: Require a unanimous vote of at least three parole commissioners to grant a prisoner early release. Also allows a majority vote of the Legislature to remove a commissioner from the Parole Board **(A.5225, Barclay)**.

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Holding Criminals Accountable (Continued)

- **Hate Crimes & Terror Threats**: Ensure that persons who commit hate crimes or make terroristic threats or threats of mass harm are held accountable by restoring judicial discretion to judges when making pre-trial release decisions, allow threats of mass harm to be prosecuted as hate crimes, which provides enhanced penalties for these offenses **(A.8283, Barclay)**.
- **Three Strikes & You're In**: Authorize life in prison without parole for persistent violent felony offenders **(A.5557, Brabenec)**.
- **Parole Reconsideration**: Extends the maximum number of months for the reconsideration of denied applications for parole for specified violent felony offenders **(A.8259, Palmesano)**.
- **Crime Victim Participation**: Allow crime victims to personally attend parole board interviews and require the parole board to review victim impact statements **(A.4623, McGowan)**.
- **Criminal Street Gang Abatement Act**: Enacts the Criminal Street Gang Abatement Act, which defines “criminal street gang” and provides for enhanced penalties for persons who commit gang-related crimes **(A.9368, Novakhov)**.
- **Repeated Grand Larceny**: Increase the penalty for committing repeated acts of grand larceny of a motor vehicle and make these offenses eligible for bail or remand. Prohibits 16- and 17-year-old Adolescent Offenders charged with grand larceny of a motor vehicle from escaping accountability by being removed to Family Court **(A.9104, Reilly)**.
- **REPEAT Act**: Reduce recidivism by establishing mandatory rehabilitation and treatment alternatives for persistent criminal offenders **(to be introduced, Pirozzolo)**.

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Tackling the Opioid and Drug Epidemic

- **Insurance Coverage for Substance Abuse Treatment**: Require insurance companies to cover at least seven days of detoxification treatment and 30 days of rehabilitation services for substance abuse disorders (**A.2401, JM. Giglio**).
- **Custody for Drug Treatment**: Allow for principals to be remanded into custody for drug treatment where there is a risk of continued substance abuse or the use of an opioid antagonist was required (**A.5590, K. Brown**).
- **Opioid Rehabilitation Facilities**: Establish and require the operation of a dedicated opioid rehabilitation facility and the personal needs allowance for residents of a dedicated opioid rehabilitation facility; relates to the diversion of certain defendants to a mandatory opioid rehabilitation facility; relates to the establishment of a dedicated opioid rehabilitation facility and the provision of correction officers to such facilities (**A.4146, Lemondes**).
- **Certified Recovery Residences Task Force**: Creates a certified recovery residences task force to establish best practice guidelines for certified recovery living residences that illustrate the most appropriate and effective environment for persons recovering from a chemical dependency (**A.9246, Slater**).
- **Sale of Drugs on the Grounds of a Treatment Center**: Establishes the class B felony of criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center (**A.6838, Beephan**).
- **Manufacturing Methamphetamine Penalties**: Increase the penalties for the crimes of criminal possession of methamphetamine manufacturing material and unlawful manufacture of methamphetamine (**A.4445, Palmesano**).
- **Penalties for Methamphetamine Possession or Sale**: Amend the penal law so the penalties for the possession and/or sale of methamphetamine are similar to the penalties for possession and/or sale of heroin and cocaine (**A.4373, Palmesano**).

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Tackling the Opioid and Drug Epidemic (Continued)

- **“Death by Dealer”**: Establishes the class A-1 felony of criminal sale of a controlled substance resulting in death (**A.7985, Slater**).
- **Arson While Manufacturing a Controlled Substance**: Define a person as guilty of Arson in the First Degree who, while manufacturing or attempting to manufacture a controlled substance, destroys or causes to be burned, in whole or part, a building or person (**A.5418, Palmesano**).
- **Drug Dealer Registration Act**: Establishes a public registry of drug dealers that mirrors the existing sex offender registry (**A.3388, Reilly**).
- **Criminal Possession of Fentanyl**: Create the class E felony crime of criminal possession of fentanyl, which is committed when a person knowingly and unlawfully manufactures, distributes, dispenses, or possesses fentanyl or any derivative to enhance another illegal controlled substance (**A.5592, Brabenec**).
- **Presumption to Sell Heroin**: Provide that possession of 40 or more individual packages containing heroin or a heroin mixture is presumptive evidence of a person’s intent to sell it, thereby increasing the severity of the crime (**A.5475, Smith**).
- **Opiate Overdose Study**: Directs the commissioner of health to conduct a study to identify, analyze, report, and medically combat new or previously unseen opiate/opioid compounds found in overdose patients in New York State (**A.7746, Maher**).
- **Supervised Injection Site Prohibition**: Defines and prohibits supervised injection sites (**A.5336, Flood**).
- **Opioid Co-pays Elimination**: Prohibits insurance companies from imposing a co-pay pursuant to a follow-up visit with a physician in order to receive a refill on an opioid drug prescription, which was initially written for seven days or less (**A.3476, DeStefano**).

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Tackling the Opioid and Drug Epidemic (Continued)

- **Designate Xylazine as a Controlled Substance**: Adds xylazine to the list of controlled substances, and amends the penal law to allow for the prosecution of the criminal sale and possession of xylazine and/or substances containing xylazine (**A.8130, Destefano**).
- **Opioid Antagonist Requirement at Schools and Libraries**: Requires schools and libraries to have opioid antagonists (**A.6886, Smith**).
- **Opioid Antagonist Requirement at Certain Locations**: Requires certain businesses in which alcohol or cannabis is consumed have opioid antagonists (**A.5580, Brown K**).
- **Care and Protection of Drug-Exposed Infants**: Establishes protections for infants who test positive for an unprescribed controlled substance or are born dependent on or damaged by illegal drugs (**A.6078, Slater**).

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Supporting Law Enforcement

- **Reinstating the Death Penalty in New York State**: Making it an available sentence for those convicted of the intentional killing of police officers, specified peace officers, and first responders, among others (**A.3906, Barclay**).
- **No Parole for Murder Involving a First Responder**: Require a sentence of life imprisonment without parole for Murder in the First Degree involving the killing of a first responder (**A.5747-A, Slater**).
- **Police Safety Equipment Grant Program**: Establish the police safety equipment grant program within the Division of Criminal Justice Services and make an appropriation (**A.5532, Smith**).
- **Menacing a Police Officer**: Establish the offenses of Menacing a Police Officer or Peace Officer in the First Degree and Menacing a Police Officer or Peace Officer in the Second Degree (**A.6338, DeStefano**).
- **Unlawful Discharge of a Firearm**: Create a class B felony when a person willfully discharges a loaded firearm when pointed at a peace officer, police officer, corrections officer, firefighter, or emergency services professional (**A.4522, Durso**).
- **Increased Penalties for Crimes During a Riot**: Enhance the penalties for crimes committed during a riot (**A.3373, Reilly**).
- **Killing a Police Animal**: Elevate killing a police work dog or police work horse from a class E felony to a class D felony (**A.5558, Brabenec**).

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Supporting Law Enforcement (Continued)

- **Exposing a First Responder to Fentanyl**: Include exposing a first responder to fentanyl, or a fentanyl derivative, in the definition of the offense of Assault in the First Degree (**A.4085-A, Durso**).
- **Unfounded Complaints**: Prevent unfounded complaints against first responders from being disclosed or added to their personnel records (**A.2727, JA. Giglio**).
- **Failure to Retreat**: Make it a class D felony for any person to approach or remain within 25 feet of police officers in the performance of their duties when ordered to retreat (**A.4211, Morinello**).
- **Making a False Accusation**: Create the crime of offering a false accusation against a police officer when filing a report against a police officer knowing the information is false or baseless (**A.4205, Morinello**).
- **Contraband Screening at Correctional Facilities**: Require the Department of Corrections and Community Supervision (DOCCS) to establish a comprehensive contraband screening plan in correctional facilities (**A.5388, Palmesano**).
- **Obstructing a Police Officer**: Makes it a felony to intentionally interfere with or inhibit a police officer or peace officer from engaging in the course of performing their official duties including (1) spitting, throwing, or spilling items, liquid, or otherwise, at or on such officer; or (2) pushing, shoving, kicking, physically impeding, or otherwise subjecting such officer to physical contact (**A.5540, Smith**).
- **Life Imprisonment**: Making life imprisonment without parole mandatory for defendants convicted of Murder in the First or Second Degree if the victim is a police officer, specified peace officer, first responder, or correctional officer (**A.7472, Angelino**).

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Supporting Law Enforcement (Continued)

- **Hate Crimes Against First Responders**: Designates offenses against law enforcement, emergency medical services personnel, and/or firefighters as hate crimes, thereby increasing the penalty for the offense **(A.3417, DeStefano)**.
- **Hate Crimes Against Police**: Designates offenses against law enforcement officers as hate crimes and designates making graffiti as a specified offense **(A.2964, Ra)**.
- **Felony Resisting Arrest**: Creates a class E felony when a person commits Resisting Arrest in the Second Degree and has been previously convicted within the preceding five years of Resisting Arrest in the Second Degree **(A.3584, Jensen)**.
- **Aggravated Assault on a Police/Peace Officer**: Amends the class B violent felony crime of aggravated assault upon a police officer or a peace officer by removing the requirement that the offender must use a deadly weapon or dangerous instrument when causing serious physical injury to a police officer or peace officer **(A.5472, Smith)**.
- **Assault on a Member of an Auxiliary Police Program**: Adds on-duty auxiliary police officers to the list of public servants for whom it is an Assault in the Second Degree if an individual causes physical injury while intending to prevent such public servant from performing a lawful duty **(A.5544, Smith)**.
- **“Swatting”**: Makes the act of “swatting” a class E felony, which occurs when someone makes a false report in an attempt to draw a large number of police officers to a certain location that will likely result in public alarm or inconvenience **(A.2977, Gray)**.
- **Harassment of Employees/Correction Officers**: Makes it a class E felony crime of aggravated harassment of an employee by an incarcerated individual to spit at such employee with the intent to harass, annoy, threaten, or cause alarm **(A.1869-A, Hawley)**.

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Supporting Law Enforcement (Continued)

- **Aggravated Resisting Arrest**: Establishes the crime of aggravated resisting arrest as when a person intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of such person or another person through the use of physical force, where such authorized arrest is for a crime that is a felony **(A.3140, Reilly)**.
- **Stalking a Police Officer**: Introduced in response to the “50-a repeal” - Creates the class A misdemeanor crime of stalking a police officer, peace officer, correction officer, or firefighter when, with intent to harass, annoy, or alarm such officer, a person intentionally engages in a course of conduct that is likely to cause reasonable fear of physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment, or death of such officer or a member of his/her immediate family. Such course of conduct may be conducted in person or electronically, including, but not limited to, the use of a social media network **(A.3139, Reilly)**.
- **HALT Repeal**: Repeal the HALT Act, which severely limits/eliminates the ability to place dangerous inmates in special housing units separated from the general population **(A.3196, Simpson)**.

ASSEMBLY REPUBLICAN PUBLIC PROTECTION LEGISLATION

Protecting New York's Children

- **Strengthen Penalties for Crimes Against Children**: Address current statutes pertaining to child abuse, child sex abuse, and murder by strengthening child endangerment laws, strengthening penalties for those who sexually abuse children, and clearly defining depraved indifference (**A.5605, Barclay**).
- **Increase Penalties for Passing School Buses**: Increase penalties for individuals who cause injury or death to a person while overtaking and passing a stopped school bus (**A.5507, Palmesano**).
- **Voting Location Restrictions for Sex Offenders**: Prohibit level two or three sex offenders from voting at a school or facility for children (**A.2212, Norris**).
- **School Resource Officer and DARE Grant Program**: Establish a \$30 million grant program for the cost of school resource officers or costs related to the Drug Abuse Resistance Education (DARE) Program (**A.6453-A, Byrnes**).
- **"Paula's Law"**: Prevent the parole of anyone who sexually assaults and murders a child under 18 years of age (**A.4661, McGowan**).
- **Sex Offender Residency Restriction**: Prohibit registered sex offenders from residing within 1,350 feet of any school, playground, park, or daycare facility for the duration of their sex offender registration requirements. Violators would be subject to a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense (**A.2012, Hawley**).

