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Legal Aid Statement on Governor Hochul’s Proposed Regressive Changes to New York’s Successful and Common-Sense Discovery Reform

(ALBANY, NY) - **The Legal Aid Society** issued the following statement in response to Governor Kathy Hochul’s [proposed regressive changes](#) to New York’s successful and common-sense discovery reform, as detailed in the Fiscal Year 2026 Executive Budget:

“Make no mistake: the proposed changes outlined in the Governor’s Fiscal Year 2026 Executive Budget to New York’s widely successful and common-sense discovery reform will revert evidence-sharing practices to an era when prosecutors, with complete impunity, routinely deprived the accused of critical evidence — often until the eve of trial.

“The historic reforms that took effect in 2020 aimed to put an end to this egregious standard — commonly known as the ‘Blindfold Law’ — which contributed to wrongful convictions, subjected New Yorkers to prolonged pretrial detention at Rikers Island, and brought case progress to a slow crawl.

“To ensure compliance, prosecutors are currently required to certify to the court that all evidence has been disclosed to the defense. The Governor falsely claims that this requirement leads to case dismissals, alleging that the defense purposefully delays alerting prosecutors to any outstanding evidence, a practice that the existing statute clearly prohibits.

“In fact, discovery-related dismissals occur only when prosecutors fail to disclose evidence within the expansive time frames provided by law — 90 days for misdemeanor cases and six months for felonies — resulting in the expiration of the speedy trial clock, not when prosecutors inadvertently fail to turn over a piece of paper.

“Moreover, the cherry-picked data furnished by prosecutors and other critics does not reflect the reality that indicted felony cases are not being dismissed at a higher rate in the years since discovery reform was implemented, according to data from the New York State Office of Court Administration.

“To the extent that challenges with the flow of information from police departments to district attorneys’ offices have made compliance with the law challenging for prosecutors, legislative solutions should address that issue directly, such as those proposed in [S613/A825](#).

“Similarly, adequate funding must be consistently allocated to both prosecutors’ and public defenders’ offices. The initial legislation was enacted without funding, hindering its potential and underscoring the importance of proper investment to achieve its goals. The funding allocated in recent years to hire staff and improve technology should first be allowed to take effect.

“Every year, Albany considers rollbacks to these landmark reforms without any evidence that they have made us less safe or have contributed to recidivism. This ongoing distraction prevents us from focusing on meaningful community investments that ensure the safety and prosperity of New Yorkers.”

Background

Earlier this month, exonerees, impacted New Yorkers, public defenders, advocates, and concerned citizens launched the “[Alliance to Protect Kalief’s Law](#)”, a statewide coalition dedicated to preserving New York’s successful and common-sense discovery reform, also known as “Kalief’s Law.”

Discovery reform is named in honor of Kalief Browder, a 16-year-old from the Bronx who was wrongfully accused of stealing a backpack in 2010 and languished on Rikers Island for three years awaiting trial. He had no access to the government’s evidence in his case and his family could not afford to pay the \$3,000 bail set by a Bronx judge.

After his release from Rikers Island, Kalief continued to face emotional and psychological challenges and died by suicide in 2015 at the age of 22.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org