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*****FOR IMMEDIATE RELEASE*****

Legal Aid Statement on Governor Hochul's State of the State Address

(ALBANY, NY) - The Legal Aid Society released the following statement in response to Governor Kathy Hochul's State of the State address:

"We are disappointed that Governor Kathy Hochul, in her State of the State address, called for rollbacks to New York's widely successful and transformational discovery statute.

"Since its enactment in 2020, this reform brought New York in line with evidence-sharing practices in most states and corrected a deeply flawed system that, for decades, contributed to wrongful convictions, mass incarceration, and case delays.

"Efforts were made to clarify the statute, and in 2022, lawmakers, executive staff members, prosecutors, and defense attorneys collaborated to address the alleged 'loophole' the Governor claims still exists, which now [requires](#) the defense to disclose any missing discovery to the prosecution as soon as they are able.

"In late 2023, the New York State Court of Appeals, our highest court, [reaffirmed](#) that the statute has never required a perfect prosecutor — only a diligent one. Diligent prosecutors are not penalized for inadvertent mistakes, and reopening the discovery debate serves only to distract us from addressing the known drivers of violence in our communities and the proven solutions to combat them: access to stable and secure housing, as well as community-based health and mental health services.

"To the extent that there are issues with the efficiency of evidence sharing, the [legislation](#) recently introduced by Senator Myrie and Assembly Member Lasher addresses those concerns. Prosecutors frequently attribute their discovery violations, that sometimes lead to dismissals, to their inability to obtain information and material from the police. This issue is best addressed by increasing their access to police databases, which this legislation seeks to accomplish.

"Similarly, adequate funding must be consistently allocated to both prosecutors' and public defenders' offices. The initial legislation lacked sufficient resources, 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.

“We are also strongly opposed to Governor Hochul’s plan to expand involuntary commitment initiatives for people facing mental health crises. Waiting for those with serious mental illness to reach a breaking point, forcibly hospitalizing and medicating them, and then releasing them back into the community only to repeat the cycle fails to address public safety or meet the needs of people with mental illness.

“Instead, as the Governor also suggests, we should increase access to outpatient services and invest in models like [Assertive Community Treatment](#) teams, which meet people where they are and provide direct support. We urge the Governor to prioritize investments in these services and support solutions like [Daniel’s Law](#) and the [Treatment Not Jail Act](#), both of which offer common-sense approaches that prioritize treatment and care over incarceration and isolation.

“With every session, The Legal Aid Society remains steadfast in our commitment to working with lawmakers on legislation that serves the best interests of the people we represent.”

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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 nearly 150 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. <https://www.legalaidnyc.org>