



Legislation Text

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Res. No. 417

Resolution calling on the New York State Legislature to pass, and the Governor to sign S4812/A5269A, in relation to the return of fines, restitution and reparation payments where there was an unjust conviction, in a timely manner.

By Council Members Riley, Cabán, Hanif, Ossé and Banks

Whereas, Tragically, and inexcusably, there are many people in New York City and State that have been unjustly and wrongfully convicted of crimes and sentenced to a term of imprisonment; and

Whereas, As of 2023, more than 340 individuals in New York State have had their convictions vacated and dismissed since 1989, resulting in a collective loss of over 3,500 years of life due to wrongful convictions, as reported by the National Registry of Exonerations; and

Whereas, In addition to a prison sentence, many of these people have been subject to fines, restitution, and reparation payments; and

Whereas, Criminal fines can be quite exorbitant and can be a fixed amount or a range as designated in the New York State Penal Law (“Penal Law”) depending on the level of the offense; and

Whereas, Restitution and reparations can also be significant as the Penal Law authorizes the court to consider both as part of the sentence, requiring the defendant to make restitution of the fruits of his or her offense or reparation for the actual out-of-pocket loss caused and, in certain cases, any costs or losses incurred due to any adverse action taken against the victim; and

Whereas, New York Criminal Procedure Law (“CPL”) §420.10, which governs fines, restitution and reparations, lacks provisions to ensure individuals unjustly or wrongfully convicted, who have paid fines,

restitution, or reparations, are able to recoup those payments in a timely manner, thereby helping to alleviate the financial hardships they face following the injustices they have endured; and

Whereas, S4812/A5269A sponsored by New York State Senator Cordell Cleare and New York State Assemblymember Brian Cunningham, respectively, seek to ensure individuals unjustly convicted can pursue the timely return of fines, restitution, or reparation payments that have been imposed on them by amending CPL §420.10; and

Whereas, The proposed legislation mandates that upon a determination of an unjust conviction, as defined by the legislation, including cases where the person was pardoned based on innocence, the decision was reversed, dismissed or conviction vacated, the individual shall have all monies returned to them within 90 days of official notice of adjudication; and

Whereas, S4812/A5269A would provide essential support to individuals who have been wrongfully convicted by ensuring the prompt return of financial payments imposed as a result of their unjust convictions; and

Whereas, The City Council believes this legislation aligns with principles of fairness and justice for those who have been subjected to unjust convictions; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S4812/A5269A, in relation to the return of fines, restitution and reparation payments where there was an unjust conviction, in a timely manner

CMB
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