A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT authorizing a pilot program for indigent legal services
for counsel at arraignment; and providing for the repeal
of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assem-
by, do enact as follows:

Section 1. There is hereby created a pilot program to make grants,
within amounts appropriated therefor, to counties other than the five
counties within the city of New York, to be used for the improvement of
services to persons accused of a crime who are both presumed indigent
and unrepresented at their first arraignment before a court.

§ 2. Proposals by counties for grants under this pilot program should
consider new approaches to providing representation to indigent defend-
ants at arraignment, including the opening of courts during non-tradi-
tional hours, regional solutions, centralization or consolidation of
arraignment venues, the use of video conferencing for arraignments, and
the appointment of attorneys specifically to provide coverage during
non-traditional court hours. Proposed solutions should not exacerbate or
create excessive and unnecessary detention for defendants awaiting
arraignment. Proposals must demonstrate partnership between judges,
district attorneys and the defense community, as represented by a public
defender, counsel furnished by a private legal aid bureau or society or
counsel furnished pursuant to a plan of a bar association, as appropri-
ate.

§ 3. In order to promote innovative solutions by a county or group of
counties, proposals may include approaches that are inconsistent with
existing statute or regulation with respect to geographical jurisdiction, venue, and/or use of video conferencing for arraignments. Approval of such proposals as part of a grant award under this program shall deem such approaches to be lawful and legal in the pilot county for the duration of the grant period, notwithstanding any state law or regulation with respect to geographical jurisdiction, venue, and/or use of video conferencing, and only after notification of such approaches is made public by the office of court administration, in a manner it deems appropriate. Such notwithstanding of current law and regulation shall be limited to the process of arraignment, and shall not be deemed to continue for subsequent court proceedings.

§ 4. Each county awarded such a grant shall report, as a condition of its contract, on the improvements made and results achieved during the term of the grant, as measured by the increased presence of counsel at arraignments and impacts on the length of detention prior to arraignment.

§ 5. The program shall be administered by the office of court administration according to the direction of a committee comprised of a representative of the governor, a representative of the judiciary and a representative of the office of indigent legal services, which shall review and select the proposals to receive grants, and the amount to be awarded, under this pilot program. In administering the program, preference shall be given to first addressing the needs of Washington, Onondaga, Ontario, Schuyler and Suffolk counties. In addition, the process by which grants are awarded shall reflect the guidance to counties contained in section two of this act, the flexibility provided in section three of this act, and the reporting requirements of section four of this act. Before March 31, 2016, the committee shall make a
report to the governor, the temporary president of the senate, the
speaker of the assembly and the executive director of the office of
indigent legal services on the success of this pilot program.
§ 6. This act shall take effect April 1, 2013, and shall expire on
April 1, 2016 when upon such date the provisions of this act shall be
deemed repealed.