

JUSTICE  
DELAYED  
=  
JUSTICE  
DENIED

# What Would Kalief's Law Do?

## Kalief's Law S1998-A (Squadron)

**Kalief's Law S1998-A (Squadron)**, introduced by Senator Daniel Squadron, would **fix New York's speedy trial statute** to improve the effectiveness of New York's criminal justice system and ensure that people are not unjustly and unnecessarily held in pre-trial detention. It would do this in the following ways:

End the practice of excluding court congestion from the time that counts toward the "speedy trial clock," or the time calculation used to determine readiness for trial.

Establish a rule stating that after the defense demands discovery ("discovery" is the evidence against a defendant), any statement that the prosecutor is ready for trial has to be accompanied by a certificate of good faith compliance with the discovery disclosure rules, and the defense will be given the opportunity to state whether the discovery disclosure rules have actually been complied with.

In situations where a prosecutor asks for an extension due to "exceptional circumstances," after having previously stated that he or she was ready for trial, require the prosecutor to support the statement that he or she is now not ready with facts, and require the judge to inquire as to the reasons for the unreadiness before approving such a request for an extension.

Specify that vehicle and traffic law violations are subject to speedy trial rules.

Make some other, non-substantive changes to New York's speedy trial law.

Establish a rule stating that whenever a prosecutor states that he or she is ready for trial (whether in or out of court), the judge may inquire on the record as to the prosecutor's actual readiness. If the judge finds that the prosecutor is actually not ready for trial, the prosecutor's statement of readiness is invalidated, and any subsequent delay will count toward the speedy trial clock (unless there is some other basis to exclude it).

Change the rules to say that if a defendant waives his or right to speedy trial, the court *may* (as opposed to *must*) grant a defendant's request for an extension if it is in the interest of justice to do so and create a rule saying that when a judge grants such an extension, it has to be done on the record, in open court.

Require judges to decide, on the record, at every court appearance, whether the time that elapses after that court appearance will count toward the speedy trial clock.

In misdemeanor cases, require prosecutors to certify that all of the counts in a criminal complaint satisfy all of the applicable filing rules.

**Kalief's Law, S1998-A (Squadron)**, would amend Criminal Procedure Law 30.30 to ensure cases go to trial in a reasonable timeframe. The Katal Center for Health, Equity, and Justice, advocates, and community members demand that Albany pass Kalief's Law to improve the effectiveness of New York's criminal justice system and ensure that people are not unjustly and unnecessarily held in pre-trial detention.

**It's time for New York to pass Kalief's Law and uphold the Constitutional right to a speedy trial!**

**MELODY LEE**

KATAL CENTER FOR HEALTH, EQUITY, AND JUSTICE  
MELODY@KATALCENTER.ORG | 347.961.8071

*katal*  
CENTER FOR HEALTH,  
EQUITY, AND JUSTICE