



CHIEF DEFENDERS ASSOCIATION OF NEW YORK

MEMORANDUM IN SUPPORT

S. 2888 - Sepulveda/A. 2266 – Aubry

An act to amend the penal law, in relation to criminal mischief in the third degree and criminal mischief in the second degree

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April 28, 2021

The Chief Defenders Association of New York (“CDANY”) is a membership organization of the appointed Public Defenders, Conflict Defenders, Executive Directors of non-profit public defense offices and Administrators of Assigned Counsel Panels throughout New York State. Our organizations collectively represent the vast majority of people prosecuted in every county of New York State—hundreds of thousands of people each year. Collectively, public defense offices represent close to 400,000 people in the criminal, family, and appellate courts of New York State every year.

CDANY strongly supports S.2888/A.2266, a bill to raise the criminal mischief monetary threshold set in 1915. This bill would ensure that people are not exposed to felony convictions and prison time for low-level property damage. Instead, low-level property damage below \$1000 would be charged as a misdemeanor.

Under current law, people can be convicted of criminal mischief in the third degree (an E Felony) if they damage the property of another in an amount exceeding \$250 (Penal Law § 145.05). They can be convicted of criminal mischief in the second degree (a D felony) if the property is damage exceeds \$1500 (P.L. § 145.10). People convicted of either crime face potential prison sentences.

This bill will raise the monetary threshold for criminal mischief in the third degree from \$250 to \$1000 and the threshold for criminal mischief in the second degree from \$1500 to \$3000.

By raising the monetary threshold for felony criminal mischief, the legislature can protect thousands of people statewide from possible prison sentences and a felony criminal record that will significantly limit their ability to get a job, obtain student loans, live in public housing, and contribute meaningfully to their communities. The monetary threshold for felony criminal mischief should have been raised along with inflation at multiple points over the past 106 years. You have the power to correct future harm by passing the criminal mischief reform bill this session. The Chief Defenders Association of New York respectfully urges enactment of this legislation into law.

Please contact CDANY Lobbyist Robert Perry (646/296-5220 robt.perry@gmail.com) with any questions.

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