



New York State Defenders Association, Inc.

Public Defense Backup Center

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2025-2026 Enacted Budget

Defense Summary

Program or Office	SFY 2024-2025 Final Appropriation	SFY 2025-2026 Executive Proposed Appropriation	SFY 2025-2026 Final Budget
Indigent Legal Services Fund (Aid to Localities)	\$273,970,000	\$273,970,000	\$273,970,000
	\$81 million	\$81 million	\$81 million
	\$19.5 million family defense	\$19.5 million family defense	\$25 million family defense (\$5.5 million increase)
	\$92 million AC fee increase reimbursement	\$92 million AC fee increase reimbursement	\$92 million AC fee increase reimbursement
	--	\$9.9 million Title IV-E funds Dry appropriation (represents potential future federal funding)	\$9.9 million Title IV-E funds Dry appropriation (represents potential future federal funding)
Office of Indigent Legal Services (State Operations)	\$7,995,000	\$8,415,000 (plus \$100,000 dry appropriation)	\$8,415,000 (plus \$100,000 dry appropriation)
Aid to Defense	\$7,658,000	\$7,658,000	\$7,658,000
Aid to Prosecution	\$12,549,000	\$12,549,000	\$12,549,000
New York State Defenders Association (Backup Center & Veterans Defense Program)	\$3,850,000 (\$3,130,000 Public Defense Backup Center + \$720,000 VDP)	\$1,030,000 (Public Defense Backup Center)	\$3,850,000
Indigent Parolee Program	\$600,000	--	Restoration to \$600,000 (part of larger approp.)
Discovery Funding for Defenders	\$40,000,000	\$40,000,000	\$45,000,000
Criminal Defense Services	\$40,000,000	\$40,000,000	\$40,000,000
Criminal and/or civil legal services in upstate NY	\$3,500,000 (to be appropriated by Senate resolution)	---	\$3,500,000 (to be appropriated by Senate resolution)
Discovery Funding for Prosecutors & LE	\$80 million (\$40 million NYC + \$40 million rest of state)	\$80 million (\$40 million NYC + \$40 million rest of state)	\$90 million (\$45 million NYC + \$45 million rest of state)
Prosecutorial Services	\$47,000,000	\$47,000,000	\$47,000,000

Onondaga County DA	--	--	\$3,000,000
Loan Forgiveness Program	\$2,430,000	\$2,430,000	\$2,430,000
ERPO funding for law enforcement	\$10,000,000	\$10,000,000	\$10,000,000
NYPD overtime & enhanced patrol in subways and mass transit facilities	--	\$77,000,000	\$77,000,000
Project GIVE & domestic violence services	\$72,050,000	\$77,050,000	\$36,380,000 Project GIVE + \$38,170,000 IPV, DV and non-DV sexual assaults
Crime Analysis Centers	\$32,950,000	\$35,950,000	\$32,950,000

Note: The Aid to Localities (ATL) bill includes language that authorizes the Budget Director to withhold certain payments if a general fund imbalance of \$2 billion or more is forecasted in the SFY 2025-2026. Upon notification from the Budget Director, the Legislature has 10 business days to adopt its own withholding plan in compliance with the provisions in the ATL bill; if the Legislature does not act in compliance with those provisions, the Budget Director's withholding plan will take effect.

Links to Final Budget Bills

- [State Operations S.3000-D/A.3000-D](#) (Ch. 50)
- [Aid to Localities S.3003-D/A.3003-D](#) (Ch. 53)
- [Public Protection and General Government \(PPGG\) Article VII S.3005-C/A.3005-C](#) (Ch. 55)
- [Education, Labor, Housing & Family Assistance \(ELFA\) Article VII S.3006-C/A.3006-C](#) (Ch. 56)
- [Health and Mental Hygiene Article VII Bill S.3007-C/A.3007-C](#) (Ch. 57)
- [Transportation, Economic Development & Environmental Conservation \(TED\) Article VII Bill S.3008-C/A.3008-C](#) (Ch. 58)

Details of Some Appropriations from the Chart Above

Indigent Legal Services Fund (ILSF), Aid to Localities

- \$273,097,000 for statewide implementation of the *Hurrell-Harring* settlement pursuant to plans developed by the Indigent Legal Services Office.
- \$81 million for counties and NYC
- \$25 million for parental representation (\$5.5 million added this year)
- \$92 million for reimbursement of 1/2 of the assigned counsel fee increase
- \$9,900,000 from federal Title IV-E funding. This is a “dry” appropriation; it represents potential federal funding

ILSF Sweep: As noted below, Chapter 56, Part MM, gives the Comptroller the authority to transfer up to \$234 million from the ILSF to the general fund. Last year, the Comptroller had the authority to transfer up to \$234 million from the ILSF. In [March 2025](#), the Comptroller transferred \$80.1 million from the ILSF to the general fund.

Office of Indigent Legal Services \$8,415,000*

[State Operations]

This is \$420,000 more than last year's appropriation.

*The total does not include an appropriation of \$100,000 from Title IV-E funds "for services and expenses related to trainings for parental representations in child welfare matters" This is a "dry" appropriation; it represents potential federal funding.

Indigent Parolee Program \$600,000

Similar to last year, there is not a dedicated appropriation for the IPP. Parole is mentioned as one of the categories for funding in an appropriation of \$1,370,000, and we expect that \$600,000 will be allocated to IPP by the Senate in a separate resolution.

New York State Defenders Association

\$3,130,000 (Public Defense Backup Center) + \$720,000 (Veterans Defense Program)

This is a restoration of last year's funding.

We are grateful to the defense community, veterans groups, and others who supported our budget request, including the Chief Defenders Association of New York, New York State Association of Criminal Defense Lawyers, and the Office of Indigent Legal Services. Your support is invaluable.

Aid to Defense \$7,658,000

This appropriation is the same as last year's, but it is \$441,000 less than the 2018-19 Aid to Defense appropriation. Aid to Prosecution funding remained level at \$12,549,000.

Criminal Defense Services Funding \$40,000,000

This is the same as the appropriation in last year's budget. The appropriation for prosecutors is \$47 million, which is the same as last year.

Criminal Defense Discovery Funding \$45,000,000

This is an increase of \$5 million from last year's appropriation.

Discovery Funding for Prosecution & LE \$90,000,000

This is an increase of \$5 million for NYC prosecutors and \$5 million for prosecutors and law enforcement outside of New York City.

Loan Forgiveness Program \$2,430,000

Despite significant advocacy and proposals in the Senate and Assembly one-house budgets, the final budget did not include amendments to the Loan Forgiveness Program law (Education Law 679-e) nor were additional funds included in the final budget.

Raise the Age \$250,000,000

This is the same amount as appropriated last year. The proposal by the Senate to make changes to the way Raise the Age funds are appropriated was not included in the final budget.

Commission on Prosecutorial Conduct \$3,000,000

Last year, the appropriation was \$1,750,000. This year's appropriation represents a full year of Commission operations.

Interest on Lawyer Account \$77,500,000

The appropriation is \$39,500,000 less than last year. However, last year's appropriation was significantly more than the 2023-2024 SFY appropriation of \$52 million. There is no sweep from IOLA in the final budget.

Article VII Bills

These bills were signed into law by the Governor on May 9, 2025.

Public Protection and General Government Article VII S.3005-C/A.3005-C (Ch. 55)

- **Part A: Extends Various Criminal Justice and Public Safety Programs That Would Otherwise Sunset On September 1, 2025**
- **Part B: Discovery Rollbacks**
Changes to CPL article 245 and 30.30 appear in the ELFA Article VII bill, Part NN.
- **Part C: Eliminate Outdated Barriers in Public Safety Recruitment** (Effective September 1, 2025)
Among other things, this Part eliminates the requirement that correction officer trainees and corrections officers who work in state prison facilities reside in New York State; extends the mandatory retirement age for state corrections officers from 60 to 63; extends the maximum age for State Police officers from 29 (with discretion up to 35) to 43.
- **Part D: Dispossess Domestic Violence Abusers of Firearms**
Intentionally omitted
- **Part E: Reduce Reoffending Through Innovative Justice Initiatives**
Intentionally omitted
- **Part F: Eliminate the Statute of Limitations for Sex Trafficking Cases**
Intentionally omitted
- **Part G: Expand Victim Support Services** (Effective on the 180th day after it became law and applies to all claims filed on or after the effective date)
Among other things, this Part authorizes the payment of crime scene cleanup expenses to someone who is not otherwise eligible for victim assistance under Executive Law 624; increases the funeral reimbursement cost from \$6,000 to \$12,000 and emergency burial expenses from \$3,000 to \$6,000; and authorizes reimbursement of cash losses that were the result of larceny to up to \$2,500.
- **Part H: Expand Protections and Services to Victims of Sexual Assault** (Effective on the 270th day after it became law)
- **Part I: Improve Access to Public Assistance for Survivors of Gender-Based Violence** (Effective on the 270th day after it became law)
- **Part J: Gender-Based Violence in the Workplace Statement** (Effective on the 180th day after it became law)

Among other things, this Part requires that, for competitive bids for state contracts (and non-competitive bids at the discretion of the agency), bidders affirm that they have implemented a written policy addressing gender-based violence in the workplace and have provided the policy to all employees, directors, and board members which, at a minimum, meets the requirements of Executive Law 575(11) or a statement that sets forth in detail the reasons it cannot make such certification.

Adds new Executive Law 170-I that requires each state agency to formulate and issue a gender-based violence and the workplace policy and incorporate appropriate provisions from the model policy distributed by OPDV pursuant to Executive Law 575(11).

- **Part L: Outlaw Artificial Intelligence-Generated Child Sexual Abuse Material**
(Effective on the 60th day after it became law)
Amends Penal Law 263.10 (promoting an obscene sexual performance by a child), 263.11 (possessing an obscene sexual performance by a child), 263.15 (promoting a sexual performance by a child), and 263.16 (possessing a sexual performance by a child) to include a “performance created or altered by digitization as defined in” Penal Law 245.15.
- **Part M: Protecting Individuals with Intellectual Disabilities Against Trafficking**
Intentionally omitted
- **Part N: Enhance the Transit Ban**
Intentionally omitted
- **Part O: Expand Definitions of Criminal Trespass and Burglary Statute to Add Transportation Facilities**
Intentionally omitted
- **Part P: Aggravated Transportation Offense**
Intentionally omitted
- **Part X: Require Cybersecurity Awareness Training**
Intentionally omitted
- **Part EE: Transfers-** Authorizes a transfer of up to \$234,000,000 from the Indigent Legal Services Fund to the General Fund
Moved to ELFA Article VII, Part MM.
- **Part GG: DOCCS Body Worn Camera Program** (Effective on the 60th day after it became law)
Adds Correction Law 135:
 - Requiring DOCCS to provide body-worn cameras:
 - that will be powered on and worn by correction officers and security supervisors at all times, while on duty; and
 - requires staff to manually activate body-worn cameras, regardless of the presence of fixed cameras, during specified incidents and activities, including during any interaction with an incarcerated individual or visitor, in any location; during uses of force; during disciplinary hearings when fixed video monitoring systems are not available where the hearing is being conducted; in congregate shower areas; during strip searches or strip frisks

- Giving the Commissioner the authority to require civilian staff to wear body-worn cameras while on duty where the employee has direct supervision of an incarcerated individual with only intermittent security supervision
 - Requiring DOCCS to:
 - preserve recordings for at least 90 days; and
 - perform all necessary maintenance on the equipment
 - Providing that the DOCCS Commissioner has the sole authority to determine the timing and appropriateness of any review or provision of footage to an employee prior to answering questions subject to Civil Service Law 209-a(1)(g) or prior to an employment disciplinary hearing regarding potential misconduct of such employee.
- **Part HH: Amends Laws Governing the State Commission of Correction** (Effective one year after it became law)
 Among other things, this Part provides that:
 - The Citizen's policy and complaint review council must, at a minimum in providing advice and assistance under Correction Law 42(c)(1), deliver an annual report to the Commission Council.
 - The Commission shall visit, inspect, and appraise the management of jails, specialized secure juvenile detention facilities, DOCCS facilities, and OCFS secure facilities at least annually.
 - The Commission shall maintain a website that allows for submission of written complaints regarding any correctional facility and provides the Commission's address for complaints submitted by mail, and shall promulgate rules requiring correctional facilities to provide incarcerated individuals, in writing, the Commission's website and mailing address.
 - Commission members and employees may conduct private interviews of correctional facility officers and employees, who may be accompanied by a union representative or counsel, and may conduct private interviews with incarcerated individuals, provided that participation shall be voluntary and the individual may be accompanied by counsel.
 - The Correctional Medical Review board must, in performing its duties to investigate and report on the condition of systems for the delivery of medical care to incarcerated individuals, deliver an annual report to the Commission.
 - **Part II: DOCCS Facility Closures**
 Moved to Part BBB and facility closure authorization is reduced from 5 to 3.
 - **Part LL: Increasing Juror and Grand Juror Daily Pay from \$40 to \$72** (Effective on the 30th day after it became law)
 - **Part MM: State Office of Gun Violence Prevention** (Effective on the 30th day after it became law)
 This Part transfers the Office of Gun Violence Prevention from the Department of Health to the Division of Criminal Justice Services and amends Executive Law 837 to require the Division to provide specified supports in furtherance of the responsibilities of the new Office.
 - **Part WW: Electronic Court Appearances** (Effective on the 60th day after it became law; sunsets September 1, 2028)
 This Part repeals the existing CPL article 182 and establishes a new article 182 to govern electronic court appearances. Below is a summary of some of the new

provisions. Defense attorneys are strongly encouraged to review the text of the new article 182 to ensure that they, the court, and any other party are complying with the law. NYSDA [opposes](#) virtual appearances for non-emergency proceedings deemed critical stages and for any proceeding, absent the consent of the person whose case is being heard, and we expect to advocate for amendments to the new CPL article 182.

CPL 182.20(1) authorizes the electronic appearances of any party, including the defendant or any witness:

(a) at a plea, sentence, or evidentiary hearing “where the defendant, after consultation with counsel or a legal advisor, if any, and the prosecutor consent on the record to conducting such proceeding by electronic appearance.

(b) at an arraignment “where the defendant, after consultation with counsel or a legal advisor, if any, and the prosecutor consent on the record to conducting such arraignment by electronic appearance and

- the defendant is receiving treatment at a hospital or other health care facility at the time the arraignment is scheduled;
- the defendant is being arraigned on a desk appearance ticket, a superseding information, a superseding indictment, or a superior court information when the defendant intends to enter any authorized guilty plea to such accusatory instrument at the same proceeding;
- temporary exigent circumstances exist, such as an extreme weather event that makes timely transportation of the defendant to court unreasonably hazardous, provided that the court make a record why the electronic appearance is necessary; or
- the defendant requests to be arraigned by electronic appearance, provided that the only securing order that may be issued is release on recognizance.

(c) at all other types of proceedings, including calendar calls, conferences, arguments, but not including trials or grand jury presentments, provided that if any party objects, the court must allow the party to be heard on the record and consider whether for good cause shown the proceeding should not be conducted through electronic appearance.

CPL 182.20(3) requires that any proceeding under article 182 “shall provide an appropriate opportunity for any defense attorney to confidentially consult with their client or for a pro se defendant to confidentially consult with their legal advisory, if any, during the proceeding.”

An electronic appearance must not be conducted where the defendant is under the age of 18 (182.20[7]). Article 182 “shall not be construed as limiting a court’s authority to excuse a defendant’s appearance” (182.20[8]). Also, if another statute provides different rules for electronic appearances for particular kinds of proceedings, the other statute will govern and the provisions of article 182 shall apply only to the extent it is not inconsistent with that statute. CPL 182.30 gives the chief administrative judge the authority to adopt rules to regulate electronic appearances.

Finally, Executive Law 832(4)(a), which requires the Office of Indigent Legal Services to develop a written plan to ensure counsel at arraignment, is amended to add that the plan may allow representation by counsel pursuant to the requirements of CPL article 182.

- **Part ZZ: Reducing Minimum Age for State Correction Officers** (Effective immediately)
This Part allows the DOCCS Commissioner to appoint a person as a correction officer between the ages of 18 and 21 if the person has taken the relevant civil service examination on or before the 60th day following the Commissioner's report of a staffing capacity of 90% or more. Corrections officers under age 21 may not obtain or use a firearm as a peace officer or as any part of their employment duties, conduct outside transport of incarcerated individuals, perform wall tower and arsenal duties or any other role that requires a firearm, perform contact roles with incarcerated individuals without supervision in their first 18 months as an officer, provide outside hospital coverage, or supervise outside work crews or community crews. DOCCs must provide enhanced training and mentorship to officers under 21.
- **Part BBB:** Authorizes the Governor to close up to 3 state prisons between April 1, 2025 and March 31, 2026, provided the Governor provide at least 90 days' notice prior to closure to the Speaker of the Assembly and the Temporary President of the Senate.

Education, Labor, Housing & Family Assistance Article VII S.3006-C/A.3006-C (Ch. 56)

- **Part DD: Evading Arrest by Concealment of Identity** (Effective the 30th day after it became law)
Establishes a new crime (class B misdemeanor), Penal Law 205.35, that provides: "[a] person is guilty of evading arrest by concealment of identity when, in the course of the commission of a felony or class A misdemeanor or the immediate flight therefrom, such person wears a mask or facial covering or otherwise obscures their face, completely or partially, for no legitimate purpose with the intent to prevent their identification, apprehension, or arrest for such crime."
- **Part EE: Merit Time Amendments** (Effective the 120th day after it became law, and applies to offenses committed prior to, on or after the effective date)
Amends Correction Law 803(1)(d)(iv) that gives the DOCCS Commissioner the authority to designate additional programs and achievements for which merit time may be granted. Amends Correction Law 803-b(1)(c), which governs limited credit term allowances, to expand the definition of "significant programmatic accomplishment" to include successful completion of a program of not less than eighteen months as established by the DOCCS commissioner.
- **Part LL: Discovery Amendments** (Effective the 90th day after it became law)
This Part amends CPL 245.10(1)(c); 245.20(1), (2), and (6); 245.30(1); 245.50; 245.70; 245.90; and 30.30(5).

NYSDA is proud to be a member of the Alliance to Protect Kalief's Law and echoes the sentiments in the [statement issued by the Alliance](#) after the budget was passed.

In the near future, NYSDA will issue analysis of Part LL and training on the amendments is planned for the coming months.

- **Part MM: ILSF Sweep Authorization**

The budget includes authorization for the State Comptroller to transfer/sweep up to \$234 million from the Indigent Legal Services Fund during the 2025-2026 SFY. Last year, the Comptroller had the authority to transfer up to \$234 million from the ILSF. In [March 2025](#), the Comptroller transferred \$80.1 million from the ILSF to the general fund.

Health and Mental Hygiene Article VII Bill S.3007-C/A.3007-C (Ch. 57)

- **Part O: Opioid Related Proposals**

Intentionally omitted

- **Part T: Requires Hospitals to Have Sexual Assault Forensic Examiners (SAFE)**

Available (Effective 2 years after it became law)

Amends Public Health Law 2805-i(1) to add three new paragraphs that require hospitals to maintain certain full-time, part-time, contracted, or on-call staff, including one or more hospital sexual violence response coordinators and certified sexual assault forensic examiners sufficient to meet hospital needs.

- **Part DD: Authorize Homeless Youth to Consent to Behavioral Health Treatment**

(Effective on the 90th day after it became law)

- **Part EE: Involuntary Commitment and Assisted Outpatient Treatment** (Effective 90 days after it became law)

Among other things, this Part

- amends the definition of “likelihood to result in serious harm” or “likely to result in serious harm.” defined in Mental Hygiene Law (MHL) 9.01(c), to include “a substantial risk of physical harm to the person due to the inability or refusal, as a result of their mental illness, to provide for their own essential needs such as food, clothing, necessary medical care, personal safety, or shelter” (this language is also added to MHL 9.37 and MHL 9.39);
- amends MHL 9.05 and 9.27 to allow psychiatric nurse practitioners to be examiners for certification purposes under MHL article 9;
- amends MHL 9.39 to require a hospital director to, in accordance with MHL 33.13, upon an admission of a person under this section, ensure that reasonable efforts are made to identify and promptly notify any community provider of mental health services that maintains such person on its caseload that such person has been received for examination under this section and amends 9.39 to add specified discharge planning requirements in cases where a patient admitted under this section is discharged before they are admitted to a psychiatric center or inpatient psychiatric service (similar amendments are made to MHL 9.40;
- amends MHL 9.41 to provide that “a peace officer or police officer directing the removal of a person who is conducting themselves in a manner which is likely to result in serious harm as defined by [MHL 9.01(c)(3)], shall request the transport of such person to be conducted by emergency medical services, if practicable based on: the person’s potential medical needs and the capacity limits of the local emergency medical services agencies, as determined by the local emergency medical services agencies; and the safety of the person being removed, as determined by the officer.”;
- amends provisions of MHL 9.60 governing assisted outpatient treatment;

- amends MHL 29.15 regarding discharge planning;
 - adds a new MHL 36.07 to establish a behavioral health crisis technical assistance center, which is operated by the OMH and OASAS commissioners; and
 - amends Executive Law 840 to require the Municipal Police Training Counsel to develop, maintain, and disseminate, in consultation with the OMH Commissioner, written policies and procedures regarding the handling of situations involving individuals who appear to be mentally ill and are conducting themselves in a manner which is likely to result in serious harm to the person or others and recommend to DCJS rules and regulations establishing an implementing a required training program for all current and new police officers regarding such policies and procedures.
- **Part GG: Amendments to Mental Health Incident Review Panels** (Effective April 1, 2025)
 - **Part II: Requiring public posting of information about how funds from the statewide opioid settlement agreement have been used on a yearly basis.** (Effective May 9, 2025)

Transportation, Economic Development & Environmental Conservation Article VII
Bill S.3008-C/A.3008-C (Ch. 58)

- **Part E: Strengthen Drugged Driving Laws**
Intentionally omitted
- **Part U: Artificial Intelligence Companion Models** (Effective on the 180th day after it became law)
This Part creates a new General Business Law article 47 to govern AI companions, which are defined as systems using AI, generative AI, and/or emotional recognition algorithms designed to simulate a sustained human or human-like relationship with a user by specified actions.

For more information, contact Susan C. Bryant, Executive Director, 518-465-3524 x 26, sbryant@nysda.org.