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July 9, 2024

The Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Re: NYSBA Support for S206A(Cleare)/A1432A(Aubry)

Dear Governor Hochul:

The New York State Bar Association supports this legislation which would remove the lifetime ban on jury duty for convicted felons who have completed their sentence.

The New York State Bar Association's Task Force on Racism, Social Equity, and the Law completed the attached report, providing a number of recommendations, one of which is to permit individuals who have been convicted of a felony, and who have completed the service of any sentence related to such conviction, to be called to serve in the jury pool.¹ This report was adopted as policy by NYSBA's House of Delegates at their January 2023 meeting.

Juries are essential to the functioning of a democratic society and a fair criminal legal system. A person who is charged with a crime is entitled to unbiased, impartial decision-makers who are selected from a cross-section of their community to sit on the jury. Research demonstrates that racially diverse juries ensure fairer outcomes. Unfortunately, racially diverse juries are not the norm, both because people of color are underrepresented in the jury pool and because of jury selection rules and practices that routinely disproportionately eliminate potential jurors of color.

NYSBA's Task Force on Racism, Social Equity, and the Law identified four laws which contribute to the lack of participation by people of color on juries, one of which is the fact that a felony conviction, no matter how old or for what crime, bars a person's inclusion to the jury pool. More than 19 million people in the United States have a felony conviction and it has been estimated that 13 million people are banned for life from jury service because of a felony conviction.

¹ [NYSBA-Taskforce-on-Racism-Social-Equity-and-the-Law-11.11.22-FINAL-with-changes-accepted.pdf](#)

These felony convictions fall disproportionately on Black and Latino males both nationally and in New York. In New York State approximately 33% of Black men are excluded forever from the jury pool because of the State's felony exclusion law.

This legislation would allow a person who has completed their sentence, and therefore who is considered to be rehabilitated, the opportunity to enjoy the full rights of citizenship, including the right to serve on a jury. By doing so, this legislation would also provide the opportunity for a jury pool that more accurately represents New York State's diverse communities, leading to a fairer and more democratic legal system.

Based on the foregoing, as well as an attached reports, the New York State Bar Association **SUPPORTS** this legislation and urges that it be signed into law. We welcome the opportunity to meet with the Chamber to discuss S206A/A1432A and address any questions your office may have regarding this legislation or the attached report. Please do not hesitate to contact me, or NYSBA's General Counsel, David Miranda, who can be reached at dmiranda@nysba.org, 518-487-5524.

Respectfully,

A handwritten signature in cursive script, appearing to read "Domenick Napoletano".

Domenick Napoletano
President, NYSBA

Cc: Liz Fine, Esq.