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The Honorable Kathy Hochul

Governor of New York State

Executive Chamber

State Capitol

Albany, New York 12224

Re: Support for S.8312 (Hinchey)/A.7563(McDonald)

Dear Governor Hochul,

I write on behalf of the New York State Bar Association to request that you approve S.8312/A.7563, which would amend the criminal procedure law to allow cases to be transferred to mental health courts in adjoining counties from counties that do not have mental health courts.

The New York State Bar Association's [Task Force on Mental Health and Trauma Informed Representation](#) explored the need to improve court and community responses to individuals with mental illness, addiction, developmental disabilities, and co-occurring conditions. It quickly became clear that during the last quarter of the 20th century, the dramatic reduction of inpatient mental health care capacity was accompanied by an equally dramatic increase in criminalization and incarceration. Overreliance on arrest and incarceration, along with the failure to provide meaningful treatment options for people with mental illness, has resulted in too many people with mental health conditions being funneled through the criminal legal system.¹ New York State's Mental Health Courts seek to improve the well-being of individuals living with mental illness by linking them to community-based treatment, keeping them out of the criminal justice system and reducing recidivism.²

¹ Report and Recommendations of the New York State Bar Association Task Force on Mental Health and Trauma Informed Representation, [final-report-Task-Force-on-Mental-Health-and-Trauma-Informed-Representation-June-2023.pdf](#), June 2023, (pp. 78-81)

² New York State Unified Court System, *Mental Health Courts*, [Mental Health Courts - Overview | NYCOURTS.GOV](#)

Twenty-six of New York State's 62 counties have at least one mental health court. That means that nearly half of the counties cannot access the benefits of mental health courts. If this legislation is enacted, cases could be transferred from a county that has no mental health court to an adjoining county that does, subject to the consent of the district attorneys in both counties. This amendment is a commonsense way to ensure that more New Yorkers have access to the mental health treatment they need, while reducing recidivism rates and increasing public safety.

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 S.8312/A.7563 and address any questions your office may have. 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 black ink, appearing to read "Kathleen M. Sweet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathleen M. Sweet
President

Cc: Brian M. Mahanna, Esq., Counsel to the Governor
Denise Gagnon, Director of Legislative Services/ Legislative Secretary