MEMO OF SUPPORT

S3864-A (Gianaris) / A4674-A (Burdick)

Requires Office of Court Administration to
Issue Report on Publication of Criminal Court Decisions

June 3, 2026

TITLE OF BILL
An act to amend the judiciary law, in relation to the publication of opinions rendered in criminal causes.

STATEMENT OF SUPPORT
Our groups strongly support this bill as a necessary first step toward greater transparency in New York's criminal courts. The bill does not require immediate publication of every criminal court decision, or even just suppression rulings. It does something narrower: It directs the court system to issue a report about how New York can make a defined, high-value category of trial-level criminal decisions public, and what resources and procedures are needed to do it.

This bill should be understood as requiring a report about implementation, not a referendum on whether transparency is valuable. The bill asks the Office of Court Administration to evaluate "whether the publication of additional decisions and/or collection of data would improve the practice of law." Our answer is a resounding yes.

The case for transparency is strong and self-evident. Judges are public servants and judicial decisions are acts of government. When judges decide what the Constitution permits in police encounters, those rulings should not be effectively unavailable to the people whose rights are being interpreted. New Yorkers should be able to understand how criminal law is applied not only in appellate courts, but in the trial courts where most criminal cases begin and end.

The report should be detailed enough to support action. It should not answer the statutory questions in broad generalities. It should be specific enough that lawmakers and the public can evaluate the court system's reasoning and conclusions on their merits. If publication can be done through existing systems, the report should say so. If new procedures, staffing, or technology are needed, the report should explain why and at what cost.

This bill recognizes that transparency and public understanding are not secondary benefits of the legal system. They are part of its legitimacy. A court system that exercises public power must be visible to the public. This bill begins the important work of determining how New York can make that principle real for suppression decisions and, ultimately, for broader categories of criminal court decisions.

Why suppression cases matter

New Yorkers deserve to know how the law is being applied in their courts. That principle includes suppression decisions: rulings that decide whether the police acted within constitutional limits and whether the resulting evidence may be used to prosecute. These decisions are not technical paperwork. They are where constitutional rights meet the realities of policing and prosecution.

Expectations for OCA's report

Based on our understanding of suppression practice, we expect the number of suppression decisions subject to publication to be limited – likely no more than 2,000 decisions statewide. If that is correct, then the cost of publication should be modest. If the court system concludes otherwise, the report should explain, in detail, why, including:

- what tasks must be performed,
- who must perform them,
- what each task costs,
- whether those costs are one-time or recurring, and
- why existing systems cannot be tailored to meet the need.

We also do not expect suppression decisions to create unusually high redaction costs. These rulings generally concern police conduct and the constitutional standards governing it. They rarely require extensive redaction of sensitive personal information. To the extent the Office of Court Administration finds that redaction would create meaningful costs, the report should provide the data supporting that conclusion, including how many suppression rulings currently require redaction, what categories of information are redacted, how much redaction is required on average, and the cost per decision.

The current state of criminal court transparency

Today, far too many of those decisions remain inaccessible to the public. Scrutinize and Reinvent Albany's 2023 *Open Criminal Courts* report estimated that only 0.5% to 6% of written criminal court decisions in New York are published, leaving the overwhelming majority effectively inaccessible to anyone outside the courtroom where they are issued.

The 2024 report update found that 32 counties did not publish a single criminal court decision that year.

New York has already recognized the importance of grounding criminal justice debates in public data. After bail reform, the Legislature required the collection and public release of pretrial release and detention data, including data on judicial bail decisions. That data has since been used by researchers, public agencies, advocacy organizations, and think tanks with sharply different views on bail reform to analyze pretrial detention and public safety.

New Yorkers should not have to rely on chance, geography, or an individual judge's publication practices to understand how criminal law is being applied. This bill begins the process of changing that. We urge the Legislature to pass the bill.

SUMMARY OF PROVISIONS

Section 1 establishes the act's short title as the Criminal Court Opinion Transparency Act.

Section 2 amends subdivision 1 of section 212 of the Judiciary Law by adding a new paragraph (gg), requiring the Chief Administrator of the Courts to submit a report to the Legislature and Governor on or before January 15, 2027. The report must include:

- an evaluation of the feasibility and benefit of publishing suppression rulings rendered by trial-level criminal courts and/or collecting data regarding those rulings;
- an assessment of whether publishing additional decisions and/or collecting additional data would improve the practice of law;
- an evaluation of the means by which such publication and/or data collection may be effectuated to improve transparency and public understanding of trial-level criminal courts;
- an assessment of any further resources necessary to support increased publication or data collection; and
- recommendations regarding legislation and administrative measures that could be taken.

Section 3 provides that the act shall take effect on the one hundred eightieth day after it becomes law.