



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

VETO # 147

December 23, 2022

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 8163A, entitled:

“AN ACT to amend the criminal procedure law and the penal law, in relation to requiring written notice to a defendant of his or her right to complete court ordered alcohol or substance use treatment in a nonreligious treatment program”

NOT APPROVED

Courts have repeatedly recognized the rights of defendants mandated to attend a substance use treatment program to attend a nonreligious program if they object to the religious components of a faith-based program. This bill would create a statutory requirement for the court to inform an eligible defendant of his or her right to seek treatment in a nonreligious program.

While I support the right to a substance use treatment program that will be most effective, codifying the right to object to mandated attendance at a religious substance use treatment program sets an uncomfortable precedent in that it may invite future selective legislative efforts to inject a similar burden upon judges to inform litigants of their rights to opt out of other court mandates. This process may raise questions whether litigants enjoy rights to opt out of other mandates on religious grounds where the underlying statutes have not been amended to codify those rights. Given that defendants already have the right to request nonreligious treatment, this bill is unnecessary and imposes an overly rigid burden on courts and judges.

The bill is disapproved.

*Ruth Hochul*