

6939

I N S E N A T E

March 8, 2016

Introduced by Sen. AKSHAR -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to sealing petty offenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph of subdivision 1 of section 160.55 of
2 the criminal procedure law, as amended by chapter 169 of the laws of
3 1994, is amended to read as follows:
4 Upon the termination of a criminal action or proceeding against a
5 person by the conviction of such person of a traffic infraction or a
6 violation, other than a violation of loitering as described in paragraph
7 (d) [or (e)] of subdivision one of section 160.10 of this [chapter]
8 ARTICLE or the violation of operating a motor vehicle while ability
9 impaired as described in subdivision one of section eleven hundred nine-
10 ty-two of the vehicle and traffic law, unless the district attorney upon
11 motion with not less than five [days] DAYS' notice to such person or his
12 or her attorney demonstrates to the satisfaction of the court that the
13 interests of justice require otherwise, or the court on its own motion
14 with not less than five [days] DAYS' notice to such person or his or her
15 attorney determines that the interests of justice require otherwise and
16 states the reasons for such determination on the record, the clerk of
17 the court wherein such criminal action or proceeding was terminated
18 shall immediately notify the commissioner of the division of criminal
19 justice services and the heads of all appropriate police departments and
20 other law enforcement agencies that the action has been terminated by
21 such conviction; PROVIDED, HOWEVER, THAT UNLESS THE COURT DETERMINES
22 THAT THE INTERESTS OF JUSTICE REQUIRE OTHERWISE, AN ACTION OR PROCEEDING
23 WHERE A SENTENCE IS IMPOSED PURSUANT TO SECTION 65.05 OF THE PENAL LAW
24 DOES NOT TERMINATE UNTIL THE SATISFACTORY COMPLETION OF ANY CONDITION
25 IMPOSED BY THE COURT. Upon receipt of notification of such termination:
26 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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