

STATE OF NEW YORK

1029--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. CRUZ, PRETLOW, GONZALEZ-ROJAS, MEEKS, BURGOS, MAMDANI, WALKER, JACKSON, SEAWRIGHT, SIMON, DICKENS, HYNDMAN, EPSTEIN, ANDERSON, KELLES, BURDICK, GALLAGHER, CARROLL, SEPTIMO, L. ROSENTHAL, ZINERMAN, REYES, HEVESI, DARLING, AUBRY, MITAYNES, WEPRIN, LAVINE, JOYNER, BICHOTTE HERMELYN, JEAN-PIERRE, KIM, HUNTER, CLARK, RIVERA, BRONSON, GIBBS, DE LOS SANTOS, DAVILA, TAYLOR, COOK, VANEL, FAHY, TAPIA, CUNNINGHAM, GLICK, LUCAS, CHANDLER-WATERMAN, DINOWITZ, OTIS, ARDILA, BORES, O'DONNELL, RAGA, SHRESTHA, SHIMSKY, SIMONE, ALVAREZ, LEVENBERG, FORREST, ZACCARO, McDONALD, LEE, SOLAGES, STIRPE -- Multi-Sponsored by -- M. of A. RAMOS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, the executive law and the correction law, in relation to automatic sealing of certain convictions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new section 160.57 to read as follows:

§ 160.57 Automatic sealing of convictions.

1. Convictions for certain traffic infractions and violations or any crime defined in the laws of this state shall be sealed in accordance with paragraph (c) of this subdivision as follows:

(a) Convictions for subdivision one of section eleven hundred ninety-two of the vehicle and traffic law shall be sealed after three years.

(b) Criminal convictions for misdemeanors and felonies shall be sealed upon satisfaction of the following conditions:

(i) at least three years have passed from the imposition of sentence on the defendant's most recent misdemeanor conviction in this state and at least seven years have passed since the imposition of sentence on the defendant's most recent felony conviction in this state; in calculating

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

LBD01987-04-3

1 the time periods under this section, any period of time during which the
2 defendant was incarcerated on a determinate or indeterminate sentence
3 for a period of at least one year shall be excluded and such time period
4 shall be extended by a period equal to the time served under such incar-
5 ceration with such period being calculated from the original sentencing
6 date, notwithstanding any modification or vacatur of the original judg-
7 ment, conviction, or sentence and the entry of the new judgment,
8 conviction, or sentence;

9 (ii) the defendant does not have a subsequent criminal charge pending
10 in this state;

11 (iii) the defendant is not currently under the supervision of any
12 probation or parole department for the eligible conviction;

13 (iv) the conviction is not defined as a sex offense or sexually
14 violent offense under section one hundred sixty-eight-a of the
15 correction law; and

16 (v) the defendant is a natural person.

17 (c) Where a conviction is eligible for sealing pursuant to this
18 section before, on, or after the effective date of this section, the
19 division of criminal justice services shall immediately notify the
20 office of court administration, the court of conviction, and the heads
21 of all appropriate police and sheriff departments, prosecutor's offices,
22 and law enforcement agencies that the conviction is sealed.

23 (d) Records of convictions sealed pursuant to this section including
24 photographs, photographic plates or proofs, palmprints, fingerprints or
25 retina scans shall not be accessed by or made available to any person or
26 public or private agency, or used by any entity covered by subdivision
27 three of this section except for:

28 (i) the defendant and such defendant's counsel;

29 (ii) any court, defense counsel or prosecutor for the purposes of a
30 pending criminal proceeding or proceedings brought in a criminal court
31 pursuant to article six-C of the correction law;

32 (iii) qualified agencies, as defined in subdivision nine of section
33 eight hundred thirty-five of the executive law, federal and state law
34 enforcement agencies, and interstate and international authorities as
35 defined in subdivision three of section two of the public authorities
36 law, when acting within the scope of their law enforcement duties;

37 (iv) the court, prosecutor, and defense counsel if the defendant
38 becomes a witness in a criminal proceeding, or the claimant and respond-
39 ent if the defendant becomes a witness in a civil proceeding;

40 (v) when an individual is a defendant in a criminal proceeding or
41 proceedings brought in a criminal court pursuant to article six-C of the
42 correction law and the sealed records of conviction of a third party are
43 integral to their defense. In such instances, use of sealed records of
44 conviction shall be requested upon ex parte motion in any superior
45 court, or in any district court, city court or the criminal court of the
46 city of New York provided that such court is where the action is pend-
47 ing. The applicant must demonstrate to the satisfaction of the court
48 that the records will be used for the purpose of this subparagraph;

49 (vi) entities that are required by state or federal law to request and
50 receive a fingerprint-based check of criminal history information,
51 including the state education department office of school personnel
52 review and accountability for the purposes of sections three thousand
53 four-b, three thousand one-d, and three thousand thirty-five of the
54 education law, provided, however, that a person whose criminal history
55 information is retrieved pursuant to this paragraph shall be furnished
56 with a copy of such information, together with a copy of article twen-

1 ty-three-A of the correction law, and informed of his or her right to
2 seek correction of any incorrect information contained in such criminal
3 history information pursuant to regulations and procedures established
4 by the division of criminal justice services. Provided further, that
5 nothing herein shall prohibit the commissioner of education or the
6 office of school personnel review and accountability from receiving or
7 using convictions sealed pursuant to this section for purposes of subdi-
8 visions seven, seven-a and seven-b of section three hundred five of the
9 education law;

10 (vii) pursuant to applicable regulations promulgated by the commis-
11 sioner of the division of criminal justice services, specified entities
12 that are authorized by state or federal law to request and receive a
13 fingerprint-based check of criminal history information in relation to
14 the provision of care or services to children, as defined in subdivision
15 one of section three hundred seventy-one of the social services law, and
16 vulnerable persons, as defined in subdivision fifteen of section four
17 hundred eighty-eight of the social services law, provided, however, that
18 a person whose criminal history information is retrieved pursuant to
19 this paragraph shall be provided with a copy of such criminal history
20 information, together with a copy of article twenty-three-A of the
21 correction law, and informed of his or her right to seek correction of
22 any incorrect information contained in such criminal history information
23 pursuant to regulations and procedures established by the division of
24 criminal justice services;

25 (viii) any prospective employer of a police officer or peace officer
26 as those terms are defined in subdivisions thirty-three and thirty-four
27 of section 1.20 of this chapter, in relation to an application for
28 employment as a police officer, provided, however, that every person who
29 is an applicant shall be furnished with a copy of all records obtained
30 under this paragraph and afforded an opportunity to make an explanation
31 thereto;

32 (ix) any federal, state or local officer or agency with responsibility
33 for the issuance of licenses to possess a firearm, rifle or shotgun or
34 with responsibility for conducting background checks before transfer or
35 sale of a firearm or explosive, when the officer or agency is acting
36 pursuant to such responsibility. This includes the criminal justice
37 information services division of the federal bureau of investigation,
38 for the purposes of responding to queries to the national instant back-
39 ground check system regarding attempts to purchase or otherwise take
40 possession of firearms, rifles or shotguns, as defined in 18 U.S.C. §
41 921 (A)(3);

42 (x) for the purposes of civilian investigation or evaluation of a
43 civilian complaint or civil action concerning law enforcement or prose-
44 cution actions, upon ex parte motion in any superior court, or in any
45 district court, city court or the criminal court of the city of New York
46 provided that such court sealed the record; the applicant must demon-
47 strate to the satisfaction of the court that the records will be used
48 for the purposes of this subparagraph;

49 (xi) for information provided to an individual or entity pursuant to
50 paragraph (e) of subdivision four of section eight hundred thirty-seven
51 of the executive law or for bona fide research purposes provided all
52 identifying information is removed;

53 (xii) when an individual seeks to avail themselves of a public program
54 or benefit, including but not limited to an immigration benefit, for
55 which the sealed records of conviction of a third party are integral to
56 their application for such program or benefit. In such instances, the

1 individual or their attorney shall request the use of sealed records
2 pursuant to a form as prescribed in subdivision twenty-three of section
3 eight hundred thirty-seven of the executive law;

4 (xiii) for the purpose of collection of restitution ordered pursuant
5 to section 60.27 of the penal law. In such instances, use of sealed
6 records shall be requested upon ex parte motion in any superior court,
7 or in any district court, city court or criminal court of the city of
8 New York provided that such court is where the action is pending. The
9 applicant must demonstrate to the satisfaction of the court that the
10 records will be used for the purpose of this subparagraph;

11 (xiv) transportation network companies that are required or authorized
12 by state law to request criminal history information pursuant to section
13 sixteen hundred ninety-nine of the vehicle and traffic law; and

14 (xv) the state education department for the purposes of:

15 (1) investigating professional misconduct as defined in subparagraph
16 (i) of paragraph (a) of subdivision five of section sixty-five hundred
17 nine of the education law, consideration of restoration of a profes-
18 sional license pursuant to section sixty-five hundred eleven of the
19 education law, or determinations for issuing a license to practice a
20 profession or issuing certificates and privileges for which prior licen-
21 sure is required, for the professions of medicine, physician assistant,
22 specialist assistant, chiropractic, dentistry, dental hygiene, regis-
23 tered dental assisting, perfusion, veterinary medicine, veterinary tech-
24 nology, physical therapy, physical therapist assistant, pharmacy, regis-
25 tered pharmacy technician, nursing as a registered professional nurse,
26 licensed practical nurse, nurse practitioner, and clinical nurse
27 specialist, midwifery, podiatry, optometry, ophthalmic dispensing, engi-
28 neering, architecture, public accountancy as a public accountant and
29 certified public accountant, psychology, licensed master social work,
30 licensed clinical social work, massage therapy, occupational therapy,
31 occupational therapy assistant, dietetics and nutrition, speech-language
32 pathology, audiology, acupuncture, athletic training, mental health
33 counseling, marriage and family therapy, creative arts therapy, psycho-
34 analysis, respiratory therapy, respiratory therapy technician, polysom-
35 nographic technology, applied behavior analysis as a licensed behavior
36 analyst and certified behavior analyst assistant as such professions are
37 defined in title eight of the education law, provided that the state
38 education department certifies to the division of criminal justice
39 services that it is investigating an individual licensed to practice a
40 profession pursuant to article one hundred thirty of the education law
41 for professional misconduct as defined in paragraph (a) of subdivision
42 five of section sixty-five hundred nine of the education law, consider-
43 ing restoration of a professional license pursuant to section sixty-five
44 hundred eleven of the education law, or making a determination for issu-
45 ing a license to practice a profession or issuing certificates and priv-
46 ileges for which prior licensure is required as appropriate, and that a
47 person whose criminal history information is retrieved pursuant to this
48 paragraph shall be furnished with a copy of such information, together
49 with a copy of article twenty-three-A of the correction law, and
50 informed of his or her right to seek correction of any incorrect infor-
51 mation contained in such criminal history information pursuant to regu-
52 lations and procedures established by the division of criminal justice
53 services. Provided, further, that the board of regents may consider any
54 prior conviction that formed the basis of a determination of the board
55 of regents in a disciplinary proceeding pursuant to section sixty-five
56 hundred ten of the education law and the rules and regulations promul-

1 gated pursuant thereto in an application for reconsideration, even if
2 such conviction later becomes automatically sealed pursuant to this
3 section.

4 (e) Where the sealing required by this paragraph has not taken place,
5 or where supporting court records cannot be located or have been
6 destroyed, and a defendant or their attorney submits notification of
7 such fact to the division of criminal justice services, as prescribed in
8 subdivision twenty-three of section eight hundred thirty-seven of the
9 executive law, within thirty days of such notice to the division, the
10 conviction shall be sealed as set forth in this subdivision.

11 2. Where a conviction is eligible for sealing pursuant to this section
12 before, on, or after the effective date of this section, the commission-
13 er of the division of criminal justice services shall immediately notify
14 the office of court administration, the court of conviction and the
15 heads of all appropriate police and sheriff departments, prosecutors'
16 offices and law enforcement agencies that the conviction is sealed. Upon
17 receipt of such notification, records of or relating to such conviction
18 shall be immediately sealed pursuant to this section.

19 (a) Any such entity that possesses information, records, documents or
20 papers related to the eligible conviction shall seal them as follows:

21 (i) Every photograph of such defendant and photographic plates or
22 proof, and all palmprints, fingerprints and retina scans taken or made
23 of such individual pursuant to the provisions of this article in regard
24 to the eligible conviction, and all duplicates, reproductions, and
25 copies thereof, except a digital fingerprint that is on file with the
26 division of criminal justice services for a conviction that has not been
27 sealed pursuant to this section shall be marked as sealed by the divi-
28 sion of criminal justice services and by any police department,
29 prosecutor's office or law enforcement agency having any such photo-
30 graph, photographic plate or proof, palmprint, fingerprints or retina
31 scan in its possession or under its control by conspicuously indicating
32 on the face of the record or at the beginning of the digitized file of
33 the record that the record has been designated as sealed. Where finger-
34 prints subject to the provisions of this section have been received by
35 the division of criminal justice services and have been filed by the
36 division as digital images, such images may remain unsealed, provided
37 that a fingerprint card of the individual is on file with the division
38 which was not sealed pursuant to this section.

39 (ii) Every official record and paper and duplicates and copies there-
40 of, including, but not limited to, judgments and orders of a court but
41 not including published court decisions or opinions or records and
42 briefs on appeal, relating to the conviction, on file with the agency
43 shall be marked as sealed by conspicuously indicating on the face of the
44 record or at the beginning of the digitized file of the record that the
45 record has been designated as sealed.

46 (b) Third-party agencies shall seal information and all records, docu-
47 ments and papers relating to the eligible conviction as follows:

48 (i) Every police department, prosecutor's office or law enforcement
49 agency, including the division of criminal justice services, which tran-
50 smitted or otherwise forwarded to any agency of the United States or of
51 any other state or jurisdiction outside of this state copies of any such
52 photographs, photographic plates or proofs, palmprints, fingerprints or
53 retina scans, shall forthwith formally inform such agency in writing
54 that the matter has been sealed and request in writing that all such
55 copies be marked as sealed by conspicuously indicating on the face of

1 the record or at the beginning of the digitized file of the record that
2 the record has been designated as sealed.

3 (ii) Every official record and paper and duplicates and copies there-
4 of, including, but not limited to, judgments and orders of a court but
5 not including published court decisions or opinions or records and
6 briefs on appeal, relating to the conviction, on file with the agency
7 shall be marked as sealed by conspicuously indicating on the face of the
8 record or at the beginning of the digitized file of the record that the
9 record has been designated as sealed.

10 3. (a) Nothing in this section requires the sealing or destruction of
11 DNA information maintained in the New York state DNA database of such
12 individual pursuant to the provisions of the executive law in regard to
13 the eligible conviction.

14 (b) Nothing in this section requires the sealing or destruction of
15 records maintained by the department of motor vehicles, and nothing in
16 this section shall be construed to contravene the vehicle and traffic
17 law, the federal driver's privacy protection act (18 U.S.C. 2721 et.
18 seq.), the REAL ID Act of 2005 (Public Law 109-13; 49 U.S.C. 30301
19 note), section 7209 of the Intelligence Reform and Terrorism Prevention
20 Act of 1986 (49 U.S.C. 31311), or regulations promulgated pursuant to
21 any such chapter or act.

22 (c) The division of criminal justice services is authorized to
23 disclose a conviction that is sealed pursuant to this section to enti-
24 ties that are required by federal law, or by rules and regulations
25 promulgated by a self-regulatory organization created under federal law,
26 to consider sealed convictions. Such entities must certify to the divi-
27 sion that they are required by federal law, or by rules and regulations
28 promulgated by a self-regulatory organization that has been created
29 under federal law, to make an inquiry about or consider records sealed
30 pursuant to this section for purposes of employment, licensing, or
31 clearance. To the extent permitted by federal law, a record sealed
32 pursuant to this section may not be considered a conviction that would
33 prohibit the employment, licensing or clearance of the defendant.

34 (d) Nothing in this section shall prohibit entities required by feder-
35 al law, or by rules and regulations promulgated by a self-regulatory
36 organization that has been created under federal law, from making an
37 inquiry about or considering an applicant's criminal history for
38 purposes of employment, licensing, or clearance from inquiring into
39 convictions sealed pursuant to this section.

40 (e) In any civil action, an official record of a conviction that has
41 been sealed pursuant to this section may not be introduced as evidence
42 of negligence against a person or entity that provided employment,
43 contract labor or services, volunteer work, licensing, tenancy, a home
44 purchase, a mortgage, an education, a loan, or insurance if such record
45 was sealed and was not provided to the person or entity by or on behalf
46 of a governmental entity in accordance with this section in response to
47 such person's or entity's authorized and timely request for conviction
48 history information.

49 (f) A person or entity described in this subdivision, acting reason-
50 ably and in good faith, may not have a duty to investigate the fact of a
51 prior conviction that has been sealed pursuant to this section.

52 4. No defendant shall be required or permitted to waive eligibility
53 for sealing pursuant to this section as part of a plea of guilty,
54 sentence or any agreement related to a conviction for a violation of the
55 laws of this state. Any such waiver is void and unenforceable.

1 5. Sealing as set forth in subdivision two of this section is without
2 prejudice to a defendant or their attorney seeking further relief pursu-
3 ant to article four hundred forty of this chapter. Nothing in this
4 section is intended or shall be interpreted to diminish or abrogate any
5 rights or remedies otherwise available to the defendant.

6 6. All records for a conviction subject to sealing under this section
7 where the conviction was entered on or before the effective date of this
8 section shall receive the appropriate relief promptly and, in any event,
9 no later than two years after such effective date.

10 7. A conviction which is sealed pursuant to this section is included
11 within the definition of a conviction for the purposes of any criminal
12 proceeding in which the fact of a prior conviction would enhance a
13 penalty or is an element of the offense charged.

14 8. Any defendant claiming to be aggrieved by a violation of this
15 section shall have a cause of action in any court of appropriate juris-
16 isdiction for damages, including punitive damages, and such other remedies
17 as may be appropriate. The provisions of this article shall also be
18 enforceable by the division of human rights pursuant to the powers and
19 procedures set forth in article fifteen of the executive law.

20 § 2. Section 845-d of the executive law is amended by adding a new
21 subdivision 4 to read as follows:

22 4. Nothing in this section shall authorize the division to provide
23 criminal history information that is sealed pursuant to section 160.57
24 of the criminal procedure law to any entity other than those explicitly
25 authorized by that section to receive or access such information.

26 § 3. Section 837 of the executive law is amended by adding three new
27 subdivisions 24, 25 and 26 to read as follows:

28 24. Promulgate a standardized form for use by individuals to notify
29 the division of criminal justice services of convictions subject to
30 sealing under section 160.57 of the criminal procedure law, but for
31 which the division has not taken the requisite action for related
32 records.

33 25. Promulgate a certification process whereby individuals seeking use
34 of sealed records pursuant to subparagraph (xii) of paragraph (d) of
35 subdivision one of section 160.57 of the criminal procedure law may
36 request and access records.

37 26. Adopt, amend and rescind such regulations as may be necessary to
38 effectuate the provisions of subparagraph (vii) of paragraph (d) of
39 subdivision one of section 160.57 of the criminal procedure law to
40 determine entities authorized to receive sealed records for purposes of
41 occupations that involve regular and substantial unsupervised or unre-
42 stricted physical contact with children as defined in subdivision one of
43 section three hundred seventy-one of the social services law, and
44 vulnerable persons, as defined in subdivision fifteen of section four
45 hundred eighty-eight of the social services law.

46 § 4. Subdivision 16 of section 296 of the executive law, as amended by
47 section 2 of subpart 0 of part II of chapter 55 of the laws of 2019, is
48 amended to read as follows:

49 16. It shall be an unlawful discriminatory practice, unless specif-
50 ically required or permitted by statute, for any person, agency, bureau,
51 corporation or association, including the state and any political subdi-
52 vision thereof, to make any inquiry about, whether in any form of appli-
53 cation or otherwise, or to act upon adversely to the individual
54 involved, any arrest or criminal accusation of such individual not then
55 pending against that individual which was followed by a termination of
56 that criminal action or proceeding in favor of such individual, as

1 defined in subdivision two of section 160.50 of the criminal procedure
2 law, or by an order adjourning the criminal action in contemplation of
3 dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10
4 of the criminal procedure law, or by a youthful offender adjudication,
5 as defined in subdivision one of section 720.35 of the criminal proce-
6 dure law, or by a conviction for a violation sealed pursuant to section
7 160.55 of the criminal procedure law or by a conviction which is sealed
8 pursuant to section 160.59 or 160.58 of the criminal procedure law, or
9 by a conviction which is sealed pursuant to section 160.57 of the crimi-
10 nal procedure law, except where such conviction record is accessed
11 pursuant to subparagraph (vi), (vii), or (xv) of paragraph (d) of subdi-
12 vision one of section 160.57 of the criminal procedure law, in
13 connection with the licensing, housing, employment, including volunteer
14 positions, or providing of credit or insurance to such individual;
15 provided, further, that no person shall be required to divulge informa-
16 tion pertaining to any arrest or criminal accusation of such individual
17 not then pending against that individual which was followed by a termi-
18 nation of that criminal action or proceeding in favor of such individ-
19 ual, as defined in subdivision two of section 160.50 of the criminal
20 procedure law, or by an order adjourning the criminal action in contem-
21 plation of dismissal, pursuant to section 170.55 or 170.56, 210.46,
22 210.47 or 215.10 of the criminal procedure law, or by a youthful offen-
23 der adjudication, as defined in subdivision one of section 720.35 of the
24 criminal procedure law, or by a conviction for a violation sealed pursu-
25 ant to section 160.55 of the criminal procedure law, or by a conviction
26 which is sealed pursuant to section 160.58 or 160.59 of the criminal
27 procedure law, or by a conviction which is sealed pursuant to section
28 160.57 of the criminal procedure law, except where such conviction
29 record is accessed pursuant to subparagraph (vi), (vii), or (xv) of
30 paragraph (d) of subdivision one of section 160.57 of the criminal
31 procedure law. An individual required or requested to provide informa-
32 tion in violation of this subdivision may respond as if the arrest,
33 criminal accusation, or disposition of such arrest or criminal accusa-
34 tion did not occur. The provisions of this subdivision shall not apply
35 to the licensing activities of governmental bodies in relation to the
36 regulation of guns, firearms and other deadly weapons or in relation to
37 an application for employment as a police officer or peace officer as
38 those terms are defined in subdivisions thirty-three and thirty-four of
39 section 1.20 of the criminal procedure law; provided further that the
40 provisions of this subdivision shall not apply to an application for
41 employment or membership in any law enforcement agency with respect to
42 any arrest or criminal accusation which was followed by a youthful
43 offender adjudication, as defined in subdivision one of section 720.35
44 of the criminal procedure law, or by a conviction for a violation sealed
45 pursuant to section 160.55 of the criminal procedure law, or by a
46 conviction which is sealed pursuant to section 160.58 or 160.59 of the
47 criminal procedure law, or by a conviction which is sealed pursuant to
48 section 160.57 of the criminal procedure law. For purposes of this
49 subdivision, an action which has been adjourned in contemplation of
50 dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or
51 215.10 of the criminal procedure law, shall not be considered a pending
52 action, unless the order to adjourn in contemplation of dismissal is
53 revoked and the case is restored to the calendar for further prose-
54 cution.

1 § 5. Section 9 of the correction law, as added by section 2 of part 00
2 of chapter 56 of the laws of 2010, the section heading as amended by
3 chapter 322 of the laws of 2021, is amended to read as follows:

4 § 9. Access to information of incarcerated individuals via the inter-
5 net. Notwithstanding any provision of law to the contrary, any informa-
6 tion relating to the conviction of a person[~~, except for a person~~
7 ~~convicted of an offense that would make such person ineligible for merit~~
8 ~~time under section eight hundred three of this chapter or an offense for~~
9 ~~which registration as a sex offender is required as set forth in subdi-~~
10 ~~vision two or three of section one hundred sixty-eight-a of this chap-~~
11 ~~ter,~~] that is posted on a website maintained by or for the department,
12 under article six of the public officers law, may be posted on such
13 website for a period not to exceed [~~five~~] three years after the expira-
14 tion of such person's sentence of imprisonment and at the conclusion of
15 any period of parole or post-release supervision[~~, provided, however,~~
16 ~~that in the case of a person who has been committed to the department on~~
17 ~~more than one occasion, the department may post conviction information~~
18 ~~relating to any prior commitment on such website for a period not to~~
19 ~~exceed five years after the expiration of such person's sentence of~~
20 ~~imprisonment and any period of parole or post-release supervision aris-~~
21 ~~ing from the most recent commitment to the department~~].

22 § 6. Severability. If any provision of this act or the application
23 thereof to any person, corporation or circumstances is held invalid,
24 such invalidity shall not affect other provisions or applications of the
25 act which can be given effect without the invalid provision or applica-
26 tion, and to this end the provisions of this act are declared to be
27 severable.

28 § 7. This act shall take effect on the one hundred twentieth day after
29 it shall have become a law.