S T A T E O F N E W Y O R K

4368--B

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sens. HASSELL-THOMPSON, DIAZ, MONSERRATE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the definition of "direct relationship" for the purposes of article 23-A of the correction law regarding the licensure and employment of persons previously convicted of one or more criminal offenses

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

Section 1. Subdivision 3 of section 750 of the correction law, as amended by chapter 284 of the laws of 2007, is amended to read as follows:

(3) "Direct relationship" means that THERE IS A SUBSTANTIAL CONNECTION BETWEEN the nature of [criminal conduct] THE CRIME for which the person was convicted [has a direct bearing on his fitness or ability to perform one or more of] AND the duties or responsibilities necessarily related to the license, opportunity, or job in question AND SUCH CONNECTION WOULD CREATE AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC UPON THE ISSUANCE OR CONTINUATION OF A LICENSE OR THE GRANTING OR CONTINUATION OF EMPLOYMENT OF SUCH PERSON.

S 2. Section 752 of the correction law, as amended by chapter 284 of the laws of 2007, is amended to read as follows:

S 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individ-

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

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ual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless[:

(1)] there is a direct relationship, AS SUCH TERM IS DEFINED IN SUBDIVISION THREE OF SECTION SEVEN HUNDRED FIFTY OF THIS ARTICLE, between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual[; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public].

S 3. This act shall take effect on the ninetieth day after it shall have become a law.