

8065

2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction

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:

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

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

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

15 S 752. Unfair discrimination against persons previously convicted of
16 one or more criminal offenses prohibited. No application for any
17 license or employment, and no employment or license held by an individ-
18 ual, to which the provisions of this article are applicable, shall be
19 denied or acted upon adversely by reason of the individual's having been
20 previously convicted of one or more criminal offenses, or by reason of a
21 finding of lack of "good moral character" when such finding is based
22 upon the fact that the individual has previously been convicted of one
23 or more criminal offenses, unless[:

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

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1 (1)] there is a direct relationship, AS SUCH TERM IS DEFINED IN SUBDI-
2 VISION THREE OF SECTION SEVEN HUNDRED FIFTY OF THIS ARTICLE, between one
3 or more of the previous criminal offenses and the specific license or
4 employment sought or held by the individual[; or
5 (2) the issuance or continuation of the license or the granting or
6 continuation of the employment would involve an unreasonable risk to
7 property or to the safety or welfare of specific individuals or the
8 general public].
9 S 3. This act shall take effect on the ninetieth day after it shall
10 have become a law.