

7597--A

Cal. No. 423

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

Introduced by M. of A. AUBRY, COLTON -- read once and referred to the Committee on Correction -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the correction law, in relation to the issuance of certificates of relief from disabilities

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

1 Section 1. Subdivision 1 of section 702 of the correction law, as
2 amended by section 32 of subpart B of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:
4 1. Any court of this state may, in its discretion, issue a certificate
5 of relief from disabilities to an eligible offender for a conviction
6 that occurred in such court, if the court either (a) imposed a revocable
7 sentence or (b) imposed a sentence other than one executed by commitment
8 to an institution under the jurisdiction of the state department of
9 corrections and community supervision. Such certificate may be issued
10 (i) at the time sentence is pronounced, in which case it may grant
11 relief from forfeitures, as well as from disabilities, or (ii) at any
12 time thereafter, in which case it shall apply only to disabilities.
13 WHERE SUCH COURT EITHER IMPOSES A REVOCABLE SENTENCE OR IMPOSES A
14 SENTENCE OTHER THAN ONE EXECUTED BY COMMITMENT TO AN INSTITUTION UNDER
15 THE JURISDICTION OF THE STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY
16 SUPERVISION, THE COURT, UPON APPLICATION AND IN ACCORDANCE WITH SUBDIVI-
17 SION TWO OF THIS SECTION, SHALL INITIALLY DETERMINE THE FITNESS OF AN
18 ELIGIBLE OFFENDER FOR SUCH CERTIFICATE PRIOR TO OR AT THE TIME SENTENCE
19 IS PRONOUNCED.
20 S 2. This act shall take effect immediately.

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

LBD11554-03-1