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

2469

2011-2012 Regular Sessions

I N S E N A T E

January 21, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, and the social services law in relation to authorizing the review of sealed juvenile records for persons applying to serve as a foster or adoptive parent

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

Section 1. Section 720.35 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, WHENEVER A PERSON IS ADJUDICATED A YOUTHFUL OFFENDER AND THE CONVICTION THAT WAS VACATED AND REPLACED BY THE YOUTHFUL OFFENDER FINDING WAS FOR A SEX OFFENSE AS THAT TERM IS DEFINED IN SECTION 120.40 OF THE PENAL LAW, ALL RECORDS PERTAINING TO THE YOUTHFUL OFFENDER ADJUDICATION SHALL BE INCLUDED IN THOSE RECORDS AND REPORTS THAT MAY BE OBTAINED BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IN ORDER TO PERFORM BACKGROUND CHECKS PURSUANT TO SECTIONS THREE HUNDRED SEVENTY-EIGHT-A, THREE HUNDRED NINETY-B, AND THREE HUNDRED NINETY-E OF THE SOCIAL SERVICES LAW.

S 2. Subdivision 2 of section 378-a of the social services law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS SUBDIVISION SHALL INCLUDE A REVIEW FOR ANY CONVICTIONS VACATED AND REPLACED BY A YOUTHFUL OFFENDER FINDING FOR A SEX OFFENSE WHICH MAY BE OBTAINED BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO SUBDIVISION 5 OF SECTION 720.35 OF THE CRIMINAL PROCEDURE LAW.

S 3. 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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