

1992

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sens. GOLDEN, BONACIC, DeFRANCISCO, FUSCHILLO, JOHNSON,
LAVALLE, RANZENHOFER, SALAND -- read twice and ordered printed, and
when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to inquiries about
certain sealed convictions; and to repeal section 160.58 of the criminal
procedure law relating to conditional sealing of certain
controlled substances, marijuana or specified offense convictions

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

1 Section 1. Section 160.58 of the criminal procedure law is REPEALED.
2 S 2. Subdivision 16 of section 296 of the executive law, as separately
3 amended by section 3 of part N and section 14 of part AAA of chapter 56
4 of the laws of 2009, is amended to read as follows:
5 16. It shall be an unlawful discriminatory practice, unless specifically
6 required or permitted by statute, for any person, agency, bureau,
7 corporation or association, including the state and any political subdivision
8 thereof, to make any inquiry about, whether in any form of application
9 or otherwise, or to act upon adversely to the individual
10 involved, any arrest or criminal accusation of such individual not then
11 pending against that individual which was followed by a termination of
12 that criminal action or proceeding in favor of such individual, as
13 defined in subdivision two of section 160.50 of the criminal procedure
14 law, or by a youthful offender adjudication, as defined in subdivision
15 one of section 720.35 of the criminal procedure law, or by a conviction
16 for a violation sealed pursuant to section 160.55 of the criminal procedure
17 law [or by a conviction which is sealed pursuant to section 160.58
18 of the criminal procedure law], in connection with the licensing,
19 employment or providing of credit or insurance to such individual;
20 provided, further, that no person shall be required to divulge information
21 pertaining to any arrest or criminal accusation of such individual
22 not then pending against that individual which was followed by a termination

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

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1 nation of that criminal action or proceeding in favor of such individ-
2 ual, as defined in subdivision two of section 160.50 of the criminal
3 procedure law, or by a youthful offender adjudication, as defined in
4 subdivision one of section 720.35 of the criminal procedure law, or by a
5 conviction for a violation sealed pursuant to section 160.55 of the
6 criminal procedure law[, or by a conviction which is sealed pursuant to
7 section 160.58 of the criminal procedure law]. The provisions of this
8 subdivision shall not apply to the licensing activities of governmental
9 bodies in relation to the regulation of guns, firearms and other deadly
10 weapons or in relation to an application for employment as a police
11 officer or peace officer as those terms are defined in subdivisions
12 thirty-three and thirty-four of section 1.20 of the criminal procedure
13 law; provided further that the provisions of this subdivision shall not
14 apply to an application for employment or membership in any law enforce-
15 ment agency with respect to any arrest or criminal accusation which was
16 followed by a youthful offender adjudication, as defined in subdivision
17 one of section 720.35 of the criminal procedure law, or by a conviction
18 for a violation sealed pursuant to section 160.55 of the criminal proce-
19 dure law[, or by a conviction which is sealed pursuant to section 160.58
20 of the criminal procedure law].

21 S 3. This act shall take effect immediately.