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

5757

2011-2012 Regular Sessions

I N S E N A T E

June 14, 2011

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

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:

Section 1. Subdivision 1 of section 702 of the correction law, as amended by section 32 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. Any court of this state may, in its discretion, issue a certificate of relief from disabilities to an eligible offender for a conviction that occurred in such court, if the court either (a) imposed a revocable sentence or (b) imposed a sentence other than one executed by commitment to an institution under the jurisdiction of the state department of corrections and community supervision. Such certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from forfeitures, as well as from disabilities, or (ii) at any time thereafter, in which case it shall apply only to disabilities. WHERE SUCH COURT EITHER IMPOSES A REVOCABLE SENTENCE OR IMPOSES A SENTENCE OTHER THAN ONE EXECUTED BY COMMITMENT TO AN INSTITUTION UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, THE COURT, UPON APPLICATION AND IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, SHALL INITIALLY DETERMINE THE FITNESS OF AN ELIGIBLE OFFENDER FOR SUCH CERTIFICATE PRIOR TO OR AT THE TIME SENTENCE IS PRONOUNCED.

S 2. 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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