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

1018

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. GANTT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the definition of qualified agencies

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

Section 1. Subdivision 9 of section 835 of the executive law, as separately amended by chapters 14 and 155 of the laws of 2012, is amended to read as follows:

9. "Qualified agencies" means courts in the unified court system, the administrative board of the judicial conference, probation departments, sheriffs' offices, district attorneys' offices, the state department of corrections and community supervision, the department of correction of any municipality, the financial frauds and consumer protection unit of the state department of financial services, the office of professional medical conduct of the state department of health for the purposes of section two hundred thirty of the public health law, the child protective services unit of a local social services district when conducting an investigation pursuant to subdivision six of section four hundred twenty-four of the social services law, the office of Medicaid inspector general, the temporary state commission of investigation, police forces and departments having responsibility for enforcement of the general criminal laws of the state, the Onondaga County Center for Forensic Sciences Laboratory when acting within the scope of its law enforcement duties and the division of forensic services of the Nassau county medical examiner's office when acting within the scope of its law enforcement duties AND ANY LEGAL AID SOCIETY OR A LEGAL SERVICES OR OTHER NONPROFIT ORGANIZATION, WHICH HAS AS ITS PRIMARY PURPOSE THE FURNISHING OF LEGAL SERVICES TO INDIGENT PERSONS, OR BY PRIVATE COUNSEL WORKING ON BEHALF OF OR UNDER THE AUSPICES OF SUCH SOCIETY OR ORGANIZA-

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

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TION PROVIDED THAT A DETERMINATION HAS BEEN MADE BY SUCH SOCIETY, ORGANIZATION OR ATTORNEY THAT SUCH PARTY IS UNABLE TO PAY THE COSTS, FEES AND EXPENSES NECESSARY TO OBTAIN THE INDIGENT CLIENT'S RECORD AND PROVIDED THE LEGAL AID SOCIETY OR A LEGAL SERVICES OR OTHER NONPROFIT ORGANIZATION OR BY PRIVATE COUNSEL WORKING ON BEHALF OF OR UNDER THE AUSPICES OF SUCH SOCIETY OR ORGANIZATION IS OBTAINING THE RECORD FOR AN INDIVIDUAL WHO HAS AUTHORIZED THE SOCIETY, ORGANIZATION, OR INDIVIDUAL UNDER AUSPICES OF SUCH FOR THE PURPOSE OF ASCERTAINING THE INDIVIDUAL'S RECORD, CORRECTING AND/OR SEALING ANY ELIGIBLE INFORMATION, AND/OR APPLYING FOR CERTIFICATES OF RELIEF FROM DISABILITY OR CERTIFICATES OF GOOD CONDUCT.

S 2. This act shall take effect immediately.