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

3998

2015-2016 Regular Sessions

I N A S S E M B L Y

January 28, 2015

Introduced by M. of A. AUBRY, WEPRIN -- Multi-Sponsored by -- M. of A. PERRY -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to criminal history record searches and open warrants

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

Section 1. The executive law is amended by adding a new section 845-c to read as follows:

S 845-C. CRIMINAL HISTORY RECORD SEARCHES; OPEN WARRANTS. 1. WHEN A CRIMINAL RECORD MAINTAINED BY THE DIVISION, PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THIS ARTICLE, CONTAINS A WARRANT THAT HAS NOT BEEN RECALLED AND THE DIVISION HAS SUBSEQUENTLY RECEIVED A REPORT OF A NEW COURT PROCEEDING ON THE CASE THAT CONTAINS THE WARRANT BUT NO REPORT THAT THE WARRANT HAS BEEN RECALLED, ALL REFERENCES TO SUCH A WARRANT CONTAINED IN THE CRIMINAL HISTORY RECORD SHALL BE EXCLUDED FROM SUCH REPORT.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO CRIMINAL HISTORY RECORD INFORMATION (A) PROVIDED BY THE DIVISION TO QUALIFIED AGENCIES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THIS ARTICLE OR TO FEDERAL OR STATE LAW ENFORCEMENT AGENCIES FOR CRIMINAL JUSTICE PURPOSES; (B) PREPARED SOLELY FOR A BONA FIDE RESEARCH PURPOSE; OR (C) PREPARED FOR THE INTERNAL RECORDKEEPING OR CASE MANAGEMENT PURPOSES OF THE DIVISION.

S 2. This act shall take effect January 1, 2017.

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

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