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

6939

I N S E N A T E

March 8, 2016

Introduced by Sen. AKSHAR -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to sealing petty offenses

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

Section 1. The opening paragraph of subdivision 1 of section 160.55 of the criminal procedure law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

Upon the termination of a criminal action or proceeding against a person by the conviction of such person of a traffic infraction or a violation, other than a violation of loitering as described in paragraph (d) [or (e)] of subdivision one of section 160.10 of this [chapter] ARTICLE or the violation of operating a motor vehicle while ability impaired as described in subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, unless the district attorney upon motion with not less than five [days] DAYS' notice to such person or his or her attorney demonstrates to the satisfaction of the court that the interests of justice require otherwise, or the court on its own motion with not less than five [days] DAYS' notice to such person or his or her attorney determines that the interests of justice require otherwise and states the reasons for such determination on the record, the clerk of the court wherein such criminal action or proceeding was terminated shall immediately notify the commissioner of the division of criminal justice services and the heads of all appropriate police departments and other law enforcement agencies that the action has been terminated by such conviction; PROVIDED, HOWEVER, THAT UNLESS THE COURT DETERMINES THAT THE INTERESTS OF JUSTICE REQUIRE OTHERWISE, AN ACTION OR PROCEEDING WHERE A SENTENCE IS IMPOSED PURSUANT TO SECTION 65.05 OF THE PENAL LAW DOES NOT TERMINATE UNTIL THE SATISFACTORY COMPLETION OF ANY CONDITION IMPOSED BY THE COURT. Upon receipt of notification of such termination:

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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