

STATE OF NEW YORK

8324

2017-2018 Regular Sessions

IN ASSEMBLY

June 8, 2017

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to disclosure of arrest and prosecution records of applicants for employment as police officers or peace officers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 1 of section 160.55 of the
2 criminal procedure law, as amended by chapter 449 of the laws of 2015,
3 is amended to read as follows:

4 (d) the records referred to in paragraph (c) of this subdivision shall
5 be made available to the person accused or to such person's designated
6 agent, and shall be made available to (i) a prosecutor in any proceeding
7 in which the accused has moved for an order pursuant to section 170.56
8 or 210.46 of this chapter, or (ii) a law enforcement agency upon ex
9 parte motion in any superior court, or in any district court, city court
10 or the criminal court of the city of New York provided that such court
11 sealed the record, if such agency demonstrates to the satisfaction of
12 the court that justice requires that such records be made available to
13 it, or (iii) any state or local officer or agency with responsibility
14 for the issuance of licenses to possess guns, when the accused has made
15 application for such a license, or (iv) the New York state department of
16 corrections and community supervision when the accused is under parole
17 supervision as a result of conditional release or parole release granted
18 by the New York state board of parole and the arrest which is the
19 subject of the inquiry is one which occurred while the accused was under
20 such supervision, or (v) the probation department responsible for super-
21 vision of the accused when the arrest which is the subject of the
22 inquiry is one which occurred while the accused was under such super-
23 vision, or (vi) a police agency, probation department, sheriff's office,
24 district attorney's office, department of correction of any municipality

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

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1 and parole department, for law enforcement purposes, upon arrest in
2 instances in which the individual stands convicted of harassment in the
3 second degree, as defined in section 240.26 of the penal law, committed
4 against a member of the same family or household as the defendant, as
5 defined in subdivision one of section 530.11 of this chapter, and deter-
6 mined pursuant to subdivision eight-a of section 170.10 of this title,
7 or (vii) any prospective employer of a police officer or peace officer
8 as those terms are defined in subdivisions thirty-three and thirty-four
9 of section 1.20 of this chapter, in relation to an application for
10 employment as a police officer or peace officer; provided, however, that
11 every person who is an applicant for the position of police officer or
12 peace officer shall be furnished with a copy of all records obtained
13 under this paragraph and afforded an opportunity to make an explanation
14 thereto; and

15 § 2. This act shall take effect immediately.