# STATE OF NEW YORK

4858

2017-2018 Regular Sessions

# IN SENATE

March 3, 2017

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to certificates of relief from disabilities issued by the department of corrections and community supervision

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

Section 1. Subdivision 2 of section 702 of the correction law, as amended by chapter 342 of the laws of 1972, is amended to read as follows:

2. Such certificate shall [~~not~~] be issued by the court [~~unless~~] **provided that** the court is satisfied that:

(a) The person to whom it is to be granted is an eligible offender, as defined in section seven hundred **of this article**;

(b) The relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(c) The relief to be granted by the certificate is consistent with the public interest.

§ 2. The opening paragraph of subdivision 3 of section 703 of the correction law, as amended by section 34 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

The department shall [~~not~~] issue [~~any~~] **a** certificate of relief from disabilities pursuant to subdivisions one or two **of this section**, [~~unless~~] **when** the department is satisfied that:

§ 3. 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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