

STATE OF NEW YORK

6108

2019-2020 Regular Sessions

IN ASSEMBLY

February 28, 2019

Introduced by M. of A. MOSLEY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to certificates of disabilities issued by courts

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

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

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

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

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

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

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

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

18 § 3. Subdivision 2 of section 703-b of the correction law, as amended
19 by section 35 of subpart B of part C of chapter 62 of the laws of 2011,
20 is amended to read as follows:

21 2. The department shall [~~have the power to~~] issue a certificate of
22 good conduct to any person previously convicted of a crime in any other
23 jurisdiction, when the department is satisfied that:

24 (a) The applicant has demonstrated that there exist specific facts and
25 circumstances, and specific sections of New York state law that have an

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

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1 adverse impact on the applicant and warrant the application for relief
2 to be made in New York; and
3 (b) The provisions of paragraphs (a), (b) and (c) of subdivision one
4 of this section have been met.
5 § 4. This act shall take effect immediately.