

# STATE OF NEW YORK

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4151

2019-2020 Regular Sessions

## IN SENATE

March 1, 2019

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Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to removing the requirement to reveal certain past convictions

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

1 Section 1. Subdivision 16 of section 296 of the executive law, as  
2 amended by section 48-a of part WWW of chapter 59 of the laws of 2017,  
3 is amended to read as follows:

4 16. It shall be an unlawful discriminatory practice, unless specif-  
5 ically required or permitted by statute, for any person, agency, bureau,  
6 corporation or association, including the state and any political subdivi-  
7 sion thereof, to make any inquiry about, whether in any form of appli-  
8 cation or otherwise, or to act upon adversely to the individual  
9 involved, any arrest or criminal accusation of such individual not then  
10 pending against that individual which was followed by a termination of  
11 that criminal action or proceeding in favor of such individual, as  
12 defined in subdivision two of section 160.50 of the criminal procedure  
13 law, or by a youthful offender adjudication, as defined in subdivision  
14 one of section 720.35 of the criminal procedure law, or by a conviction  
15 for a violation sealed pursuant to section 160.55 of the criminal proce-  
16 dure law or by a conviction which is sealed pursuant to section 160.59  
17 or 160.58 of the criminal procedure law, in connection with the licens-  
18 ing, employment or providing of credit or insurance to such individual;  
19 provided, further, that no person shall be required to divulge informa-  
20 tion pertaining to any arrest or criminal accusation of such individual  
21 not then pending against that individual which was followed by a termi-  
22 nation of that criminal action or proceeding in favor of such individ-  
23 ual, as defined in subdivision two of section 160.50 of the criminal  
24 procedure law, or by a youthful offender adjudication, as defined in

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

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1 subdivision one of section 720.35 of the criminal procedure law, or by a  
2 conviction for a violation sealed pursuant to section 160.55 of the  
3 criminal procedure law, or by a conviction which is sealed pursuant to  
4 section 160.58 or 160.59 of the criminal procedure law. Any individual  
5 with a conviction which is sealed pursuant to sections 160.55, 160.58 or  
6 160.59 of the criminal procedure law shall be permitted to answer in the  
7 negative to the question "Have you ever been convicted of a crime or  
8 violation?", or any question with the same substantive content. The  
9 provisions of this subdivision shall not apply to the licensing activ-  
10 ities of governmental bodies in relation to the regulation of guns,  
11 firearms and other deadly weapons or in relation to an application for  
12 employment as a police officer or peace officer as those terms are  
13 defined in subdivisions thirty-three and thirty-four of section 1.20 of  
14 the criminal procedure law; provided further that the provisions of this  
15 subdivision shall not apply to an application for employment or member-  
16 ship in any law enforcement agency with respect to any arrest or crimi-  
17 nal accusation which was followed by a youthful offender adjudication,  
18 as defined in subdivision one of section 720.35 of the criminal proce-  
19 dure law, or by a conviction for a violation sealed pursuant to section  
20 160.55 of the criminal procedure law, or by a conviction which is sealed  
21 pursuant to section 160.58 or 160.59 of the criminal procedure law.

22 § 2. This act shall take effect immediately.