STATE OF NEW YORK

2164

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

Introduced by Sen. BAILEY -- 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 and the education law, in relation to prohibiting mandatory disclosure of a criminal history record in certain circumstances

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

Section 1. Subdivision 15 of section 296 of the executive law, as amended by chapter 534 of the laws of 2008, is amended to read as follows:

15. It shall be an unlawful discriminatory practice for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to deny any license or employment to any individual by reason of his or her having been convicted of one or more criminal offenses, or by reason of a finding of a lack of "good moral character" which is based upon his or her having been convicted of one or more criminal offenses, when such denial is in violation of the provisions of article twenty-three-A of the correction law. Further, there shall be a rebuttable presumption in favor of excluding from evidence the prior incarceration or conviction of any person, in a case alleging that the employer has been negligent in hiring or retaining an applicant or employee, or supervising a hiring manager, if after learning about an applicant or employee's past criminal conviction history, such employer has evaluated the factors set forth in section seven hundred fifty-two of the correction law, and made a reasonable, good faith determination that such factors militate in favor of hire or retention of that applicant or employee. **No person, agency, bureau, corporation, association, the state or any political subdivision thereof, shall require an individual to provide a copy of his or her criminal**

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

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history record that he or she obtained pursuant to the rules and regulations of the division of criminal justice services.

§ 2. Subdivision 3 of section 313 of the education law is amended by adding a new paragraph (f) to read as follows:

(f) No educational institution shall require an individual to provide a copy of his or her criminal history record that he or she obtained pursuant to the rules and regulations of the division of criminal justice services.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.