

STATE OF NEW YORK

6347

2019-2020 Regular Sessions

IN SENATE

June 6, 2019

Introduced by Sen. BAILEY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to sealing petty offenses

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

1 Section 1. The opening paragraph of subdivision 1 of section 160.55 of
2 the criminal procedure law, as amended by chapter 169 of the laws of
3 1994, is amended to read as follows:

4 [~~Upon~~] Regardless of the class of offense for which a person is
5 initially charged, upon the termination of a criminal action or proceed-
6 ing against a person by the conviction of such person of a traffic
7 infraction or a violation, other than a violation of loitering as
8 described in paragraph (d) [~~or (e)~~] of subdivision one of section 160.10
9 of this [~~chapter~~] article or the violation of operating a motor vehicle
10 while ability impaired as described in subdivision one of section eleven
11 hundred ninety-two of the vehicle and traffic law, unless the district
12 attorney upon motion with not less than five [~~days~~] days' notice to such
13 person or his or her attorney demonstrates to the satisfaction of the
14 court that the interests of justice require otherwise, or the court on
15 its own motion with not less than five [~~days~~] days' notice to such
16 person or his or her attorney determines that the interests of justice
17 require otherwise and states the reasons for such determination on the
18 record, the clerk of the court wherein such criminal action or proceed-
19 ing was terminated shall immediately notify the commissioner of the
20 division of criminal justice services and the heads of all appropriate
21 police departments and other law enforcement agencies that the action
22 has been terminated by such conviction. Upon receipt of notification of
23 such termination:

24 § 2. This act shall take effect on the ninetieth day after it shall
25 have become a law.

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

LBD11521-01-9