

STATE OF NEW YORK

697

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. ROZIC, BARRON, BICHOTTE, COOK, GOTTFRIED,
O'DONNELL, OTIS, PERRY, PICHARDO, WALKER, WEPRIN, CRUZ, FERNANDEZ,
DE LA ROSA -- Multi-Sponsored by -- M. of A. DAVILA, GLICK,
PEOPLES-STOKES -- read once and referred to the Committee on
Correction

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 Assem-
bly, do enact as follows:

1 Section 1. Subdivision 15 of section 296 of the executive law, as
2 amended by chapter 534 of the laws of 2008, is amended to read as
3 follows:
4 15. It shall be an unlawful discriminatory practice for any person,
5 agency, bureau, corporation or association, including the state and any
6 political subdivision thereof, to deny any license or employment to any
7 individual by reason of his or her having been convicted of one or more
8 criminal offenses, or by reason of a finding of a lack of "good moral
9 character" which is based upon his or her having been convicted of one
10 or more criminal offenses, when such denial is in violation of the
11 provisions of article twenty-three-A of the correction law. Further,
12 there shall be a rebuttable presumption in favor of excluding from
13 evidence the prior incarceration or conviction of any person, in a case
14 alleging that the employer has been negligent in hiring or retaining an
15 applicant or employee, or supervising a hiring manager, if after learn-
16 ing about an applicant or employee's past criminal conviction history,
17 such employer has evaluated the factors set forth in section seven
18 hundred fifty-two of the correction law, and made a reasonable, good
19 faith determination that such factors militate in favor of hire or
20 retention of that applicant or employee. No person, agency, bureau,

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

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1 corporation, association, the state or any political subdivision there-
2 of, shall require an individual to provide a copy of his or her criminal
3 history record that he or she obtained pursuant to the rules and regu-
4 lations of the division of criminal justice services.

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

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

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