STATE OF NEW YORK

7591

2021-2022 Regular Sessions

IN ASSEMBLY

May 17, 2021

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

AN ACT to amend the criminal procedure law, in relation to preventing employment discrimination against persons whose criminal charges have been adjourned in contemplation of dismissal

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

Section 1. Subdivision 8 of section 170.55 of the criminal procedure law, as added by chapter 134 of the laws of 1982 and as renumbered by chapter 683 of the laws of 1990, is amended to read as follows:

8. The granting of an adjournment in contemplation of dismissal shall not be deemed to be a conviction or an admission of guilt. No person shall suffer any disability or forfeiture as a result of such an order. **Upon granting the order of adjournment, the action shall be considered terminated in the defendant's favor for the purpose of the provisions of subdivision sixteen of section two hundred ninety-six of the executive law.** Upon the dismissal of the accusatory instrument pursuant to this section, the arrest and prosecution shall be deemed a nullity and the defendant shall be restored, in contemplation of law, to the status he **or she** occupied before his **or her** arrest and prosecution.

§ 2. Subdivision 4 of section 170.56 of the criminal procedure law, as added by chapter 1042 of the laws of 1971, is amended to read as follows:

4. **Upon the granting of an order pursuant to subdivision two of this section, the action shall be considered terminated in the defendant's favor for the purpose of the provisions of subdivision sixteen of section two hundred ninety-six of the executive law.** Upon the granting of an order pursuant to subdivision three, the arrest and prosecution shall be deemed a nullity and the defendant shall be restored, in contemplation of law, to the status he **or she** occupied before his **or her** arrest and prosecution.

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

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§ 3. No provision of this act shall be construed to impair or diminish any rights an employee or licensee, or an applicant for employment or a license, may already possess pursuant to section 170.55 or 170.56 of the criminal procedure law.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.