STATE OF NEW YORK

7440

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

Introduced by M. of A. ANDERSON -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing the office of expungement within the division of criminal justice services

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

Section 1. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Office of expungement. 1. Definitions. As used in the section, the following terms shall have the following meanings:

(a) "eligible conviction" shall mean a conviction which is eligible to be sealed and/or expunged under section 160.50, 160.55, 160.57, 160.58 or 160.59 of the criminal procedure law.

(b) "office" shall mean the office of expungement as established by this section.

2. Establishment of office. There is hereby established within the division of criminal justice services the office of expungement which shall oversee the sealing and/or expungement of all eligible convictions.

3. Duties and responsibilities. The office shall:

(a) inform the defendant and such defendant's attorney that an eligible conviction can be sealed and/or expunged;

(b) ensure all eligible convictions are sealed and/or expunged accurately and in a timely manner;

(c) act as an advocate for those with eligible convictions to get such convictions sealed and/or expunged;

(d) advise the governor and the legislature on the impact of having eligible convictions sealed and/or expunged; and

(e) develop standards, guidelines, and best practices for ensuring accurate and timely sealing and/or expungement of eligible convictions.

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

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4. Other state agencies shall provide cooperation and assistance to the office so as to assist it in the effective performance of its duties.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the criminal procedure law, the executive law and the correction law, in relation to automatic expungement of certain convictions, as proposed in legislative bill number S. 1553-A, takes effect.