

STATE OF NEW YORK

256

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to eligibility for conviction sealing for eligible youth

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

1 Section 1. Section 720.20 of the criminal procedure law is amended by
2 adding a new subdivision 5 to read as follows:

3 5. (a) Notwithstanding any other law, where an eligible youth was not
4 determined to be a youthful offender by the court pursuant to subdivi-
5 sion one of this section, but was otherwise eligible to be determined to
6 be a youthful offender pursuant to this article, such individual shall
7 be eligible to apply for conviction sealing in accordance with section
8 160.59 of this chapter. An "eligible offense" for such individual shall
9 include any crime defined in the laws of this state other than (i) a
10 class A-I or class A-II felony, or (ii) an armed felony as defined in
11 subdivision forty-one of section 1.20 of this chapter, except as
12 provided in paragraph (b) of this subdivision, or (iii) an offense for
13 which registration as a sex offender is required pursuant to article
14 six-C of the correction law.

15 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
16 sion, an eligible youth who has been convicted of an armed felony
17 offense is eligible for conviction sealing pursuant to section 160.59 of
18 this chapter if the sentencing judge, or county or supreme court deter-
19 mines that one or more of the following factors exist: (i) mitigating
20 circumstances that bear directly upon the manner in which the crime was
21 committed; or (ii) where the defendant was not the sole participant in
22 the crime, the defendant's participation was relatively minor although
23 not so minor as to constitute a defense to the prosecution.

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

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1 (c) An eligible youth who has previously applied for conviction seal-
2 ing under section 160.59 of this chapter, but was denied, shall be
3 permitted to reapply for such sealing pursuant to the provisions of this
4 subdivision.

5 § 2. This act shall take effect immediately.