

STATE OF NEW YORK

3517

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. BAILEY -- 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 the effect of termination of criminal actions and proceedings against a minor

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

1 Section 1. Section 160.60 of the criminal procedure law, as amended by
2 chapter 877 of the laws of 1976, is amended to read as follows:
3 § 160.60 Effect of termination of criminal actions in favor of the
4 accused.

5 1. Upon the termination of a criminal action or proceeding against a
6 person in favor of such person, as defined in subdivision [~~two~~] three of
7 section 160.50 of this [~~chapter~~] article, the arrest and prosecution
8 shall be deemed a nullity and the accused shall be restored, in contem-
9 plation of law, to the status he occupied before the arrest and prose-
10 cution. The arrest or prosecution shall not operate as a disqualifica-
11 tion of any person so accused to pursue or engage in any lawful
12 activity, occupation, profession, or calling. Except where specifically
13 required or permitted by statute or upon specific authorization of a
14 superior court, no such person shall be required to divulge information
15 pertaining to the arrest or prosecution.

16 2. Upon the termination of a criminal action or proceeding against a
17 minor pursuant to section 160.50 of this article, all photographs, fing-
18 erprints, palmprints, and arrest records related to such action or
19 proceeding shall be expunged only if such minor has no prior arrest
20 record. For purposes of this article, "minor" shall have the same mean-
21 ing as juvenile offender as defined by subdivision forty-two of section
22 1.20 of this chapter.

23 § 2. This act shall take effect immediately.

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

LBD04844-01-1