STATE OF NEW YORK

258

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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

AN ACT to amend the executive law, in relation to prohibiting the division of criminal justice services from disclosing pending orders of adjournment in contemplation of dismissal on civil records of arrests and prosecutions

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

Section 1. Subdivision 1 of section 845-d of the executive law, as added by section 1 of subpart N of part II of chapter 55 of the laws of 2019, is amended to read as follows:

1. When, pursuant to statute or the regulations of this division, the division conducts a search of its criminal history records for civil purposes, and returns a report therein, it shall only report any [~~criminal convictions~~] **conviction of a crime**, and any criminal arrests and accompanying criminal actions which are pending. **A criminal arrest and accompanying criminal action which have been followed by an adjournment in contemplation of dismissal pursuant to section 170.55, 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law shall not be considered pending for civil purposes unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution.**

§ 2. This act shall take effect immediately.

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

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