

STATE OF NEW YORK

8335

IN SENATE

January 18, 2024

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

AN ACT to amend the executive law and the correction law, in relation to the automatic sealing of certain convictions; and to repeal section 160.57 of the criminal procedure law and section 50-g of the civil rights law and certain provisions of the executive law and the judiciary law relating thereto

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

1 Section 1. Section 160.57 of the criminal procedure law is REPEALED.
2 § 2. Subdivisions 4 and 5 of section 845-d of the executive law are
3 REPEALED.
4 § 3. Paragraphs (dd) and (ee) of subdivision 2 of section 212 of the
5 judiciary law are REPEALED.
6 § 4. Subdivision 16 of section 296 of the executive law, as amended by
7 chapter 631 of the laws of 2023, is amended to read as follows:
8 16. It shall be an unlawful discriminatory practice, unless specif-
9 ically required or permitted by statute, for any person, agency, bureau,
10 corporation or association, including the state and any political subdi-
11 vision thereof, to make any inquiry about, whether in any form of appli-
12 cation or otherwise, or to act upon adversely to the individual
13 involved, any arrest or criminal accusation of such individual not then
14 pending against that individual which was followed by a termination of
15 that criminal action or proceeding in favor of such individual, as
16 defined in subdivision two of section 160.50 of the criminal procedure
17 law, or by an order adjourning the criminal action in contemplation of
18 dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10
19 of the criminal procedure law, or by a youthful offender adjudication,
20 as defined in subdivision one of section 720.35 of the criminal proce-
21 dure law, or by a conviction for a violation sealed pursuant to section
22 160.55 of the criminal procedure law or by a conviction which is sealed
23 pursuant to section 160.59 or 160.58 of the criminal procedure law, [~~or~~
24 ~~by a conviction which is sealed pursuant to section 160.57 of the crimi-~~
25 ~~nal procedure law, except where such conviction record is accessed~~

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

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1 ~~pursuant to subparagraph (vii), (viii), or (xvi) of paragraph (d) of~~
2 ~~subdivision one of section 160.57 of the criminal procedure law,~~ in
3 connection with the licensing, housing, employment, including volunteer
4 positions, or providing of credit or insurance to such individual;
5 provided, further, that no person shall be required to divulge informa-
6 tion pertaining to any arrest or criminal accusation of such individual
7 not then pending against that individual which was followed by a termi-
8 nation of that criminal action or proceeding in favor of such individ-
9 ual, as defined in subdivision two of section 160.50 of the criminal
10 procedure law, or by an order adjourning the criminal action in contem-
11 plation of dismissal, pursuant to section 170.55 or 170.56, 210.46,
12 210.47 or 215.10 of the criminal procedure law, or by a youthful offen-
13 der adjudication, as defined in subdivision one of section 720.35 of the
14 criminal procedure law, or by a conviction for a violation sealed pursu-
15 ant to section 160.55 of the criminal procedure law, or by a conviction
16 which is sealed pursuant to section 160.58 or 160.59 of the criminal
17 procedure law, or by a conviction which is sealed pursuant to section
18 160.57 of the criminal procedure law~~, except where such conviction~~
19 ~~record is accessed pursuant to subparagraph (vii), (viii), or (xvi) of~~
20 ~~paragraph (d) of subdivision one of section 160.57 of the criminal~~
21 ~~procedure law].~~ An individual required or requested to provide informa-
22 tion in violation of this subdivision may respond as if the arrest,
23 criminal accusation, or disposition of such arrest or criminal accusa-
24 tion did not occur. The provisions of this subdivision shall not apply
25 to the licensing activities of governmental bodies in relation to the
26 regulation of guns, firearms and other deadly weapons or in relation to
27 an application for employment as a police officer or peace officer as
28 those terms are defined in subdivisions thirty-three and thirty-four of
29 section 1.20 of the criminal procedure law; provided further that the
30 provisions of this subdivision shall not apply to an application for
31 employment or membership in any law enforcement agency with respect to
32 any arrest or criminal accusation which was followed by a youthful
33 offender adjudication, as defined in subdivision one of section 720.35
34 of the criminal procedure law, or by a conviction for a violation sealed
35 pursuant to section 160.55 of the criminal procedure law, or by a
36 conviction which is sealed pursuant to section 160.58 or 160.59 of the
37 criminal procedure law~~, or by a conviction which is sealed pursuant to~~
38 ~~section 160.57 of the criminal procedure law].~~ For purposes of this
39 subdivision, an action which has been adjourned in contemplation of
40 dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or
41 215.10 of the criminal procedure law, shall not be considered a pending
42 action, unless the order to adjourn in contemplation of dismissal is
43 revoked and the case is restored to the calendar for further prose-
44 cution.

45 § 5. Section 9 of the correction law, as amended by chapter 631 of the
46 laws of 2023, is amended to read as follows:

47 § 9. Access to information of incarcerated individuals via the inter-
48 net. Notwithstanding any provision of law to the contrary, any informa-
49 tion relating to the conviction of a person, except for a person
50 convicted of an offense that would make such person ineligible for merit
51 time under section eight hundred three of this chapter or an offense for
52 which registration as a sex offender is required as set forth in subdi-
53 vision two or three of section one hundred sixty-eight-a of this chap-
54 ter, that is posted on a website maintained by or for the department,
55 under article six of the public officers law, may be posted on such
56 website for a period not to exceed [~~three~~] five years after the expira-

1 tion of such person's sentence of imprisonment and [~~at the conclusion~~]
2 of any period of parole or post-release supervision; provided, however,
3 that in the case of a person who has been committed to the department on
4 more than one occasion, the department may post conviction information
5 relating to any prior commitment on such website for a period not to
6 exceed five years after the expiration of such person's sentence of
7 imprisonment and any period of parole or post-release supervision aris-
8 ing from the most recent commitment to the department.
9 § 6. Section 50-g of the civil rights law is REPEALED.
10 § 7. This act shall take effect on the same date and in the same
11 manner as chapter 631 of the laws of 2023, takes effect.