

# STATE OF NEW YORK

1029--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

Introduced by M. of A. CRUZ, PRETLOW, GONZALEZ-ROJAS, MEEKS, BURGOS, MAMDANI, WALKER, JACKSON, SEAWRIGHT, SIMON, DICKENS, HYNDMAN, EPSTEIN, ANDERSON, KELLES, BURDICK, GALLAGHER, CARROLL, SEPTIMO, L. ROSENTHAL, ZINERMAN, REYES, HEVESI, DARLING, AUBRY, MITAYNES, WEPRIN, LAVINE, JOYNER, BICHOTTE HERMELYN, JEAN-PIERRE, KIM, HUNTER, CLARK, RIVERA, BRONSON, GIBBS, DE LOS SANTOS, DAVILA, TAYLOR, COOK, VANEL, FAHY, TAPIA, CUNNINGHAM, GLICK, LUCAS, CHANDLER-WATERMAN, DINOWITZ, OTIS, ARDILA, BORES, O'DONNELL, RAGA, SHRESTHA, SHIMSKY, SIMONE, ALVAREZ, LEVENBERG, FORREST, ZACCARO, McDONALD, LEE, SOLAGES, STIRPE -- Multi-Sponsored by -- M. of A. RAMOS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, the executive law and the correction law, in relation to automatic sealing of certain convictions

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

1 Section 1. The criminal procedure law is amended by adding a new  
2 section 160.57 to read as follows:

3 § 160.57 Automatic sealing of convictions.

4 1. Convictions for certain traffic infractions and violations or any  
5 crime defined in the laws of this state shall be sealed in accordance  
6 with paragraph (c) of this subdivision as follows:

7 (a) Convictions for subdivision one of section eleven hundred ninety-  
8 two of the vehicle and traffic law shall be sealed after three years.

9 (b) Criminal convictions for misdemeanors and felonies shall be sealed  
10 upon satisfaction of the following conditions:

11 (i) at least three years have passed from the imposition of sentence  
12 on the defendant's most recent misdemeanor conviction in this state and  
13 at least seven years have passed since the imposition of sentence on the  
14 defendant's most recent felony conviction in this state; in calculating

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

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1 the time periods under this section, any period of time during which the  
2 defendant was incarcerated on a determinate or indeterminate sentence  
3 for a period of at least one year shall be excluded and such time period  
4 shall be extended by a period equal to the time served under such incar-  
5 ceration with such period being calculated from the original sentencing  
6 date, notwithstanding any modification or vacatur of the original judg-  
7 ment, conviction, or sentence and the entry of the new judgment,  
8 conviction, or sentence;

9 (ii) the defendant does not have a subsequent criminal charge pending  
10 in this state;

11 (iii) the defendant is not currently under the supervision of any  
12 probation or parole department for the eligible conviction;

13 (iv) the conviction is not defined as a sex offense or sexually  
14 violent offense under section one hundred sixty-eight-a of the  
15 correction law; and

16 (v) the defendant is a natural person.

17 (c) Where a conviction is eligible for sealing pursuant to this  
18 section before, on, or after the effective date of this section, the  
19 division of criminal justice services shall immediately notify the  
20 office of court administration, the court of conviction, and the heads  
21 of all appropriate police and sheriff departments, prosecutor's offices,  
22 and law enforcement agencies that the conviction is sealed.

23 (d) Records of convictions sealed pursuant to this section including  
24 photographs, photographic plates or proofs, palmprints, fingerprints or  
25 retina scans shall not be accessed by or made available to any person or  
26 public or private agency, or used by any entity covered by subdivision  
27 three of this section except for:

28 (i) the defendant and such defendant's counsel;

29 (ii) any court, defense counsel or prosecutor for the purposes of a  
30 pending criminal proceeding or proceedings brought in a criminal court  
31 pursuant to article six-C of the correction law;

32 (iii) qualified agencies, as defined in subdivision nine of section  
33 eight hundred thirty-five of the executive law, federal and state law  
34 enforcement agencies, and interstate and international authorities as  
35 defined in subdivision three of section two of the public authorities  
36 law, when acting within the scope of their law enforcement duties;

37 (iv) the court, prosecutor, and defense counsel if the defendant  
38 becomes a witness in a criminal proceeding, or the claimant and respond-  
39 ent if the defendant becomes a witness in a civil proceeding;

40 (v) when an individual is a defendant in a criminal proceeding or  
41 proceedings brought in a criminal court pursuant to article six-C of the  
42 correction law and the sealed records of conviction of a third party are  
43 integral to their defense. In such instances, use of sealed records of  
44 conviction shall be requested upon ex parte motion in any superior  
45 court, or in any district court, city court or the criminal court of the  
46 city of New York provided that such court is where the action is pend-  
47 ing. The applicant must demonstrate to the satisfaction of the court  
48 that the records will be used for the purpose of this subparagraph;

49 (vi) entities that are required by state or federal law to request and  
50 receive a fingerprint-based check of criminal history information,  
51 including the state education department office of school personnel  
52 review and accountability for the purposes of sections three thousand  
53 four-b, three thousand one-d, and three thousand thirty-five of the  
54 education law, provided, however, that a person whose criminal history  
55 information is retrieved pursuant to this paragraph shall be furnished  
56 with a copy of such information, together with a copy of article twen-

1 ty-three-A of the correction law, and informed of his or her right to  
2 seek correction of any incorrect information contained in such criminal  
3 history information pursuant to regulations and procedures established  
4 by the division of criminal justice services. Provided further, that  
5 nothing herein shall prohibit the commissioner of education or the  
6 office of school personnel review and accountability from receiving or  
7 using convictions sealed pursuant to this section for purposes of subdivi-  
8 sions seven, seven-a and seven-b of section three hundred five of the  
9 education law;

10 (vii) pursuant to applicable regulations promulgated by the commis-  
11 sioner of the division of criminal justice services, specified entities  
12 that are authorized by state or federal law to request and receive a  
13 fingerprint-based check of criminal history information in relation to  
14 the provision of care or services to children, as defined in subdivision  
15 one of section three hundred seventy-one of the social services law, and  
16 vulnerable persons, as defined in subdivision fifteen of section four  
17 hundred eighty-eight of the social services law, provided, however, that  
18 a person whose criminal history information is retrieved pursuant to  
19 this paragraph shall be provided with a copy of such criminal history  
20 information, together with a copy of article twenty-three-A of the  
21 correction law, and informed of his or her right to seek correction of  
22 any incorrect information contained in such criminal history information  
23 pursuant to regulations and procedures established by the division of  
24 criminal justice services;

25 (viii) any prospective employer of a police officer or peace officer  
26 as those terms are defined in subdivisions thirty-three and thirty-four  
27 of section 1.20 of this chapter, in relation to an application for  
28 employment as a police officer, provided, however, that every person who  
29 is an applicant shall be furnished with a copy of all records obtained  
30 under this paragraph and afforded an opportunity to make an explanation  
31 thereto;

32 (ix) any federal, state or local officer or agency with responsibility  
33 for the issuance of licenses to possess a firearm, rifle or shotgun or  
34 with responsibility for conducting background checks before transfer or  
35 sale of a firearm or explosive, when the officer or agency is acting  
36 pursuant to such responsibility. This includes the criminal justice  
37 information services division of the federal bureau of investigation,  
38 for the purposes of responding to queries to the national instant back-  
39 ground check system regarding attempts to purchase or otherwise take  
40 possession of firearms, rifles or shotguns, as defined in 18 U.S.C. §  
41 921 (A)(3);

42 (x) for the purposes of civilian investigation or evaluation of a  
43 civilian complaint or civil action concerning law enforcement or prose-  
44 cution actions, upon ex parte motion in any superior court, or in any  
45 district court, city court or the criminal court of the city of New York  
46 provided that such court sealed the record; the applicant must demon-  
47 strate to the satisfaction of the court that the records will be used  
48 for the purposes of this subparagraph;

49 (xi) for information provided to an individual or entity pursuant to  
50 paragraph (e) of subdivision four of section eight hundred thirty-seven  
51 of the executive law or for bona fide research purposes provided all  
52 identifying information is removed;

53 (xii) when an individual seeks to avail themselves of a public program  
54 or benefit, including but not limited to an immigration benefit, for  
55 which the sealed records of conviction of a third party are integral to  
56 their application for such program or benefit. In such instances, the

1 individual or their attorney shall request the use of sealed records  
2 pursuant to a form as prescribed in subdivision twenty-three of section  
3 eight hundred thirty-seven of the executive law;

4 (xiii) for the purpose of collection of restitution ordered pursuant  
5 to section 60.27 of the penal law. In such instances, use of sealed  
6 records shall be requested upon ex parte motion in any superior court,  
7 or in any district court, city court or criminal court of the city of  
8 New York provided that such court is where the action is pending. The  
9 applicant must demonstrate to the satisfaction of the court that the  
10 records will be used for the purpose of this subparagraph;

11 (xiv) transportation network companies that are required or authorized  
12 by state law to request criminal history information pursuant to section  
13 sixteen hundred ninety-nine of the vehicle and traffic law; and

14 (xv) the state education department for the purposes of:

15 (1) investigating professional misconduct as defined in subparagraph  
16 (i) of paragraph (a) of subdivision five of section sixty-five hundred  
17 nine of the education law, consideration of restoration of a profes-  
18 sional license pursuant to section sixty-five hundred eleven of the  
19 education law, or determinations for issuing a license to practice a  
20 profession or issuing certificates and privileges for which prior licen-  
21 sure is required, for the professions of medicine, physician assistant,  
22 specialist assistant, chiropractic, dentistry, dental hygiene, regis-  
23 tered dental assisting, perfusion, veterinary medicine, veterinary tech-  
24 nology, physical therapy, physical therapist assistant, pharmacy, regis-  
25 tered pharmacy technician, nursing as a registered professional nurse,  
26 licensed practical nurse, nurse practitioner, and clinical nurse  
27 specialist, midwifery, podiatry, optometry, ophthalmic dispensing, engi-  
28 neering, architecture, public accountancy as a public accountant and  
29 certified public accountant, psychology, licensed master social work,  
30 licensed clinical social work, massage therapy, occupational therapy,  
31 occupational therapy assistant, dietetics and nutrition, speech-language  
32 pathology, audiology, acupuncture, athletic training, mental health  
33 counseling, marriage and family therapy, creative arts therapy, psycho-  
34 analysis, respiratory therapy, respiratory therapy technician, polysom-  
35 nographic technology, applied behavior analysis as a licensed behavior  
36 analyst and certified behavior analyst assistant as such professions are  
37 defined in title eight of the education law, provided that the state  
38 education department certifies to the division of criminal justice  
39 services that it is investigating an individual licensed to practice a  
40 profession pursuant to article one hundred thirty of the education law  
41 for professional misconduct as defined in paragraph (a) of subdivision  
42 five of section sixty-five hundred nine of the education law, consider-  
43 ing restoration of a professional license pursuant to section sixty-five  
44 hundred eleven of the education law, or making a determination for issu-  
45 ing a license to practice a profession or issuing certificates and priv-  
46 ileges for which prior licensure is required as appropriate, and that a  
47 person whose criminal history information is retrieved pursuant to this  
48 paragraph shall be furnished with a copy of such information, together  
49 with a copy of article twenty-three-A of the correction law, and  
50 informed of his or her right to seek correction of any incorrect infor-  
51 mation contained in such criminal history information pursuant to regu-  
52 lations and procedures established by the division of criminal justice  
53 services. Provided, further, that the board of regents may consider any  
54 prior conviction that formed the basis of a determination of the board  
55 of regents in a disciplinary proceeding pursuant to section sixty-five  
56 hundred ten of the education law and the rules and regulations promul-

1 gated pursuant thereto in an application for reconsideration, even if  
2 such conviction later becomes automatically sealed pursuant to this  
3 section.

4 (e) Where the sealing required by this paragraph has not taken place,  
5 or where supporting court records cannot be located or have been  
6 destroyed, and a defendant or their attorney submits notification of  
7 such fact to the division of criminal justice services, as prescribed in  
8 subdivision twenty-three of section eight hundred thirty-seven of the  
9 executive law, within thirty days of such notice to the division, the  
10 conviction shall be sealed as set forth in this subdivision.

11 2. Where a conviction is eligible for sealing pursuant to this section  
12 before, on, or after the effective date of this section, the commission-  
13 er of the division of criminal justice services shall immediately notify  
14 the office of court administration, the court of conviction and the  
15 heads of all appropriate police and sheriff departments, prosecutors'  
16 offices and law enforcement agencies that the conviction is sealed. Upon  
17 receipt of such notification, records of or relating to such conviction  
18 shall be immediately sealed pursuant to this section.

19 (a) Any such entity that possesses information, records, documents or  
20 papers related to the eligible conviction shall seal them as follows:

21 (i) Every photograph of such defendant and photographic plates or  
22 proof, and all palmprints, fingerprints and retina scans taken or made  
23 of such individual pursuant to the provisions of this article in regard  
24 to the eligible conviction, and all duplicates, reproductions, and  
25 copies thereof, except a digital fingerprint that is on file with the  
26 division of criminal justice services for a conviction that has not been  
27 sealed pursuant to this section shall be marked as sealed by the divi-  
28 sion of criminal justice services and by any police department,  
29 prosecutor's office or law enforcement agency having any such photo-  
30 graph, photographic plate or proof, palmprint, fingerprints or retina  
31 scan in its possession or under its control by conspicuously indicating  
32 on the face of the record or at the beginning of the digitized file of  
33 the record that the record has been designated as sealed. Where finger-  
34 prints subject to the provisions of this section have been received by  
35 the division of criminal justice services and have been filed by the  
36 division as digital images, such images may remain unsealed, provided  
37 that a fingerprint card of the individual is on file with the division  
38 which was not sealed pursuant to this section.

39 (ii) Every official record and paper and duplicates and copies there-  
40 of, including, but not limited to, judgments and orders of a court but  
41 not including published court decisions or opinions or records and  
42 briefs on appeal, relating to the conviction, on file with the agency  
43 shall be marked as sealed by conspicuously indicating on the face of the  
44 record or at the beginning of the digitized file of the record that the  
45 record has been designated as sealed.

46 (b) Third-party agencies shall seal information and all records, docu-  
47 ments and papers relating to the eligible conviction as follows:

48 (i) Every police department, prosecutor's office or law enforcement  
49 agency, including the division of criminal justice services, which tran-  
50 smitted or otherwise forwarded to any agency of the United States or of  
51 any other state or jurisdiction outside of this state copies of any such  
52 photographs, photographic plates or proofs, palmprints, fingerprints or  
53 retina scans, shall forthwith formally inform such agency in writing  
54 that the matter has been sealed and request in writing that all such  
55 copies be marked as sealed by conspicuously indicating on the face of

1 the record or at the beginning of the digitized file of the record that  
2 the record has been designated as sealed.

3 (ii) Every official record and paper and duplicates and copies there-  
4 of, including, but not limited to, judgments and orders of a court but  
5 not including published court decisions or opinions or records and  
6 briefs on appeal, relating to the conviction, on file with the agency  
7 shall be marked as sealed by conspicuously indicating on the face of the  
8 record or at the beginning of the digitized file of the record that the  
9 record has been designated as sealed.

10 3. (a) Nothing in this section requires the sealing or destruction of  
11 DNA information maintained in the New York state DNA database of such  
12 individual pursuant to the provisions of the executive law in regard to  
13 the eligible conviction.

14 (b) Nothing in this section requires the sealing or destruction of  
15 records maintained by the department of motor vehicles, and nothing in  
16 this section shall be construed to contravene the vehicle and traffic  
17 law, the federal driver's privacy protection act (18 U.S.C 2721 et.  
18 seq.), the REAL ID Act of 2005 (Public Law 109-13; 49 U.S.C. 30301  
19 note), section 7209 of the Intelligence Reform and Terrorism Prevention  
20 Act of 1986 (49 U.S.C. 31311), or regulations promulgated pursuant to  
21 any such chapter or act.

22 (c) The division of criminal justice services is authorized to  
23 disclose a conviction that is sealed pursuant to this section to enti-  
24 ties that are required by federal law, or by rules and regulations  
25 promulgated by a self-regulatory organization created under federal law,  
26 to consider sealed convictions. Such entities must certify to the divi-  
27 sion that they are required by federal law, or by rules and regulations  
28 promulgated by a self-regulatory organization that has been created  
29 under federal law, to make an inquiry about or consider records sealed  
30 pursuant to this section for purposes of employment, licensing, or  
31 clearance. To the extent permitted by federal law, a record sealed  
32 pursuant to this section may not be considered a conviction that would  
33 prohibit the employment, licensing or clearance of the defendant.

34 (d) Nothing in this section shall prohibit entities required by feder-  
35 al law, or by rules and regulations promulgated by a self-regulatory  
36 organization that has been created under federal law, from making an  
37 inquiry about or considering an applicant's criminal history for  
38 purposes of employment, licensing, or clearance from inquiring into  
39 convictions sealed pursuant to this section.

40 (e) In any civil action, an official record of a conviction that has  
41 been sealed pursuant to this section may not be introduced as evidence  
42 of negligence against a person or entity that provided employment,  
43 contract labor or services, volunteer work, licensing, tenancy, a home  
44 purchase, a mortgage, an education, a loan, or insurance if such record  
45 was sealed and was not provided to the person or entity by or on behalf  
46 of a governmental entity in accordance with this section in response to  
47 such person's or entity's authorized and timely request for conviction  
48 history information.

49 (f) A person or entity described in this subdivision, acting reason-  
50 ably and in good faith, may not have a duty to investigate the fact of a  
51 prior conviction that has been sealed pursuant to this section.

52 4. No defendant shall be required or permitted to waive eligibility  
53 for sealing pursuant to this section as part of a plea of guilty,  
54 sentence or any agreement related to a conviction for a violation of the  
55 laws of this state. Any such waiver is void and unenforceable.

1 5. Sealing as set forth in subdivision two of this section is without  
2 prejudice to a defendant or their attorney seeking further relief pursu-  
3 ant to article four hundred forty of this chapter. Nothing in this  
4 section is intended or shall be interpreted to diminish or abrogate any  
5 rights or remedies otherwise available to the defendant.

6 6. All records for a conviction subject to sealing under this section  
7 where the conviction was entered on or before the effective date of this  
8 section shall receive the appropriate relief promptly and, in any event,  
9 no later than two years after such effective date.

10 7. A conviction which is sealed pursuant to this section is included  
11 within the definition of a conviction for the purposes of any criminal  
12 proceeding in which the fact of a prior conviction would enhance a  
13 penalty or is an element of the offense charged.

14 8. Any defendant claiming to be aggrieved by a violation of this  
15 section shall have a cause of action in any court of appropriate juris-  
16 isdiction for damages, including punitive damages, and such other remedies  
17 as may be appropriate. The provisions of this article shall also be  
18 enforceable by the division of human rights pursuant to the powers and  
19 procedures set forth in article fifteen of the executive law.

20 § 2. Section 845-d of the executive law is amended by adding a new  
21 subdivision 4 to read as follows:

22 4. Nothing in this section shall authorize the division to provide  
23 criminal history information that is sealed pursuant to section 160.57  
24 of the criminal procedure law to any entity other than those explicitly  
25 authorized by that section to receive or access such information.

26 § 3. Section 837 of the executive law is amended by adding three new  
27 subdivisions 24, 25 and 26 to read as follows:

28 24. Promulgate a standardized form for use by individuals to notify  
29 the division of criminal justice services of convictions subject to  
30 sealing under section 160.57 of the criminal procedure law, but for  
31 which the division has not taken the requisite action for related  
32 records.

33 25. Promulgate a certification process whereby individuals seeking use  
34 of sealed records pursuant to subparagraph (xii) of paragraph (d) of  
35 subdivision one of section 160.57 of the criminal procedure law may  
36 request and access records.

37 26. Adopt, amend and rescind such regulations as may be necessary to  
38 effectuate the provisions of subparagraph (vii) of paragraph (d) of  
39 subdivision one of section 160.57 of the criminal procedure law to  
40 determine entities authorized to receive sealed records for purposes of  
41 occupations that involve regular and substantial unsupervised or unre-  
42 stricted physical contact with children as defined in subdivision one of  
43 section three hundred seventy-one of the social services law, and  
44 vulnerable persons, as defined in subdivision fifteen of section four  
45 hundred eighty-eight of the social services law.

46 § 4. Subdivision 16 of section 296 of the executive law, as amended by  
47 section 2 of subpart 0 of part II of chapter 55 of the laws of 2019, is  
48 amended to read as follows:

49 16. It shall be an unlawful discriminatory practice, unless specif-  
50 ically required or permitted by statute, for any person, agency, bureau,  
51 corporation or association, including the state and any political subdi-  
52 vision thereof, to make any inquiry about, whether in any form of appli-  
53 cation or otherwise, or to act upon adversely to the individual  
54 involved, any arrest or criminal accusation of such individual not then  
55 pending against that individual which was followed by a termination of  
56 that criminal action or proceeding in favor of such individual, as

1 defined in subdivision two of section 160.50 of the criminal procedure  
2 law, or by an order adjourning the criminal action in contemplation of  
3 dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10  
4 of the criminal procedure law, or by a youthful offender adjudication,  
5 as defined in subdivision one of section 720.35 of the criminal proce-  
6 dure law, or by a conviction for a violation sealed pursuant to section  
7 160.55 of the criminal procedure law or by a conviction which is sealed  
8 pursuant to section 160.59 or 160.58 of the criminal procedure law, or  
9 by a conviction which is sealed pursuant to section 160.57 of the crimi-  
10 nal procedure law, except where such conviction record is accessed  
11 pursuant to subparagraph (vi), (vii), or (xv) of paragraph (d) of subdi-  
12 vision one of section 160.57 of the criminal procedure law, in  
13 connection with the licensing, housing, employment, including volunteer  
14 positions, or providing of credit or insurance to such individual;  
15 provided, further, that no person shall be required to divulge informa-  
16 tion pertaining to any arrest or criminal accusation of such individual  
17 not then pending against that individual which was followed by a termi-  
18 nation of that criminal action or proceeding in favor of such individ-  
19 ual, as defined in subdivision two of section 160.50 of the criminal  
20 procedure law, or by an order adjourning the criminal action in contem-  
21 plation of dismissal, pursuant to section 170.55 or 170.56, 210.46,  
22 210.47 or 215.10 of the criminal procedure law, or by a youthful offen-  
23 der adjudication, as defined in subdivision one of section 720.35 of the  
24 criminal procedure law, or by a conviction for a violation sealed pursu-  
25 ant to section 160.55 of the criminal procedure law, or by a conviction  
26 which is sealed pursuant to section 160.58 or 160.59 of the criminal  
27 procedure law, or by a conviction which is sealed pursuant to section  
28 160.57 of the criminal procedure law, except where such conviction  
29 record is accessed pursuant to subparagraph (vi), (vii), or (xv) of  
30 paragraph (d) of subdivision one of section 160.57 of the criminal  
31 procedure law. An individual required or requested to provide informa-  
32 tion in violation of this subdivision may respond as if the arrest,  
33 criminal accusation, or disposition of such arrest or criminal accusa-  
34 tion did not occur. The provisions of this subdivision shall not apply  
35 to the licensing activities of governmental bodies in relation to the  
36 regulation of guns, firearms and other deadly weapons or in relation to  
37 an application for employment as a police officer or peace officer as  
38 those terms are defined in subdivisions thirty-three and thirty-four of  
39 section 1.20 of the criminal procedure law; provided further that the  
40 provisions of this subdivision shall not apply to an application for  
41 employment or membership in any law enforcement agency with respect to  
42 any arrest or criminal accusation which was followed by a youthful  
43 offender adjudication, as defined in subdivision one of section 720.35  
44 of the criminal procedure law, or by a conviction for a violation sealed  
45 pursuant to section 160.55 of the criminal procedure law, or by a  
46 conviction which is sealed pursuant to section 160.58 or 160.59 of the  
47 criminal procedure law, or by a conviction which is sealed pursuant to  
48 section 160.57 of the criminal procedure law. For purposes of this  
49 subdivision, an action which has been adjourned in contemplation of  
50 dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or  
51 215.10 of the criminal procedure law, shall not be considered a pending  
52 action, unless the order to adjourn in contemplation of dismissal is  
53 revoked and the case is restored to the calendar for further prose-  
54 cution.



1 § 5. Section 9 of the correction law, as added by section 2 of part 00  
2 of chapter 56 of the laws of 2010, the section heading as amended by  
3 chapter 322 of the laws of 2021, is amended to read as follows:

4 § 9. Access to information of incarcerated individuals via the inter-  
5 net. Notwithstanding any provision of law to the contrary, any informa-  
6 tion relating to the conviction of a person[~~, except for a person~~  
7 ~~convicted of an offense that would make such person ineligible for merit~~  
8 ~~time under section eight hundred three of this chapter or an offense for~~  
9 ~~which registration as a sex offender is required as set forth in subdi-~~  
10 ~~vision two or three of section one hundred sixty-eight-a of this chap-~~  
11 ~~ter,~~] that is posted on a website maintained by or for the department,  
12 under article six of the public officers law, may be posted on such  
13 website for a period not to exceed [~~five~~ three] years after the expira-  
14 tion of such person's sentence of imprisonment and at the conclusion of  
15 any period of parole or post-release supervision[~~, provided, however,~~  
16 ~~that in the case of a person who has been committed to the department on~~  
17 ~~more than one occasion, the department may post conviction information~~  
18 ~~relating to any prior commitment on such website for a period not to~~  
19 ~~exceed five years after the expiration of such person's sentence of~~  
20 ~~imprisonment and any period of parole or post-release supervision aris-~~  
21 ~~ing from the most recent commitment to the department].~~

22 § 6. Severability. If any provision of this act or the application  
23 thereof to any person, corporation or circumstances is held invalid,  
24 such invalidity shall not affect other provisions or applications of the  
25 act which can be given effect without the invalid provision or applica-  
26 tion, and to this end the provisions of this act are declared to be  
27 severable.

28 § 7. This act shall take effect on the one hundred twentieth day after  
29 it shall have become a law.