STATE OF NEW YORK

1660

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

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:

Section 1. Section 160.60 of the criminal procedure law, as amended by chapter 877 of the laws of 1976, is amended to read as follows:

§ 160.60 Effect of termination of criminal actions in favor of the accused.

1. Upon the termination of a criminal action or proceeding against a person in favor of such person, as defined in subdivision [~~two~~] **three** of section 160.50 of this [~~chapter~~] **article**, the arrest and prosecution shall be deemed a nullity and the accused shall be restored, in contemplation of law, to the status he occupied before the arrest and prosecution. The arrest or prosecution shall not operate as a disqualification of any person so accused to pursue or engage in any lawful activity, occupation, profession, or calling. Except where specifically required or permitted by statute or upon specific authorization of a superior court, no such person shall be required to divulge information pertaining to the arrest or prosecution.

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

§ 2. This act shall take effect immediately.

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

LBD03186-01-3