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:

Section 1. Section 160.57 of the criminal procedure law is REPEALED.

§ 2. Subdivisions 4 and 5 of section 845-d of the executive law are REPEALED.

§ 3. Paragraphs (dd) and (ee) of subdivision 2 of section 212 of the judiciary law are REPEALED.

§ 4. Subdivision 16 of section 296 of the executive law, as amended by chapter 631 of the laws of 2023, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, [~~or by a conviction which is sealed pursuant to section 160.57 of the criminal 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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~~pursuant to subparagraph (vii), (viii), or (xvi) of paragraph (d) of subdivision one of section 160.57 of the criminal procedure law,~~] in connection with the licensing, housing, employment, including volunteer positions, or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.57 of the criminal procedure law[~~, except where such conviction record is accessed pursuant to subparagraph (vii), (viii), or (xvi) of paragraph (d) of subdivision one of section 160.57 of the criminal procedure law~~]. An individual required or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation did not occur. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law[~~, or by a conviction which is sealed pursuant to section 160.57 of the criminal procedure law~~]. For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution.

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

§ 9. Access to information of incarcerated individuals via the internet. Notwithstanding any provision of law to the contrary, any information relating to the conviction of a person~~, except for a person convicted of an offense that would make such person ineligible for merit time under section eight hundred three of this chapter or an offense for which registration as a sex offender is required as set forth in subdivision two or three of section one hundred sixty-eight-a of this chapter,~~ that is posted on a website maintained by or for the department, under article six of the public officers law, may be posted on such website for a period not to exceed [~~three~~] ~~five~~ years after the expira-

tion of such person's sentence of imprisonment and [~~at the conclusion~~] of any period of parole or post-release supervision**; provided, however, that in the case of a person who has been committed to the department on more than one occasion, the department may post conviction information relating to any prior commitment on such website for a period not to exceed five years after the expiration of such person's sentence of imprisonment and any period of parole or post-release supervision arising from the most recent commitment to the department**.

§ 6. Section 50-g of the civil rights law is REPEALED.

§ 7. This act shall take effect on the same date and in the same manner as chapter 631 of the laws of 2023, takes effect.