

STATE OF NEW YORK

4606

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to sealing of dismissals and violations that are more than twenty years old

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

1 Section 1. Subdivision 4 of section 160.50 of the criminal procedure
2 law, as amended by chapter 905 of the laws of 1977 and as renumbered by
3 chapter 142 of the laws of 1991, is amended to read as follows:

4 4. A person in whose favor a criminal action or proceeding was termi-
5 nated, as defined in [~~paragraph~~] paragraphs (a) through (h), (k) or (l)
6 of subdivision [~~two~~] three of this section, prior to the effective date
7 of [~~this section, may upon motion apply to the court in which such~~
8 ~~termination occurred, upon not less than twenty days notice to the~~
9 ~~district attorney, for an order granting to such person the relief set~~
10 ~~forth in subdivision one of this section, and such order shall be grant-~~
11 ~~ed unless the district attorney demonstrates to the satisfaction of the~~
12 ~~court that the interests of justice require otherwise. A person in whose~~
13 ~~favor a criminal action or proceeding was terminated, as defined in~~
14 ~~paragraph (i) or (j) of subdivision two of this section, prior to the~~
15 ~~effective date of this section, may apply to the appropriate prosecutor~~
16 ~~or police agency for a certification as described in said paragraph (i)~~
17 ~~or (j) granting to such person the relief set forth therein, and such~~
18 ~~certification shall be granted by such prosecutor or police agency] the
19 chapter of the laws of two thousand twenty-five which amended this
20 subdivision, and whose records have not been sealed pursuant to subdivi-
21 sion one of this section, may apply to have the records of such criminal
22 action or proceeding sealed at the clerk's office for the court in which
23 the criminal action or proceeding was terminated. Application may be
24 made by the person or by their attorney. Upon a determination by the
25 clerk that the action or proceeding was terminated in the person's favor~~

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

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1 as defined in subdivision three of this section, the clerk of the court
2 shall immediately notify the commissioner and the heads of all appropri-
3 ate police departments and other law enforcement agencies that the
4 action has been terminated in favor of the accused and that the record
5 of such action or proceeding shall be sealed. Upon receipt of notifica-
6 tion of such termination and sealing, all records relating to the crimi-
7 nal action shall be sealed, as required under paragraph (c) of subdivi-
8 sion one of this section, and all photographs, photographic plates or
9 proofs, palm prints and fingerprints shall be destroyed or returned as
10 specified in paragraphs (a) and (b) of subdivision one of this section.

11 § 2. Subdivision 3 of section 160.55 of the criminal procedure law, as
12 amended by chapter 23 of the laws of 2021, is amended to read as
13 follows:

14 3. A person against whom a criminal action or proceeding was termi-
15 nated by such person's conviction of a traffic infraction or violation
16 other than the violation of operating a motor vehicle while ability
17 impaired as described in subdivision one of section eleven hundred nine-
18 ty-two of the vehicle and traffic law, prior to the effective date of
19 [~~this section, may upon motion apply to the court in which such termi-~~
20 ~~nation occurred, upon not less than twenty days notice to the district~~
21 ~~attorney, for an order granting to such person the relief set forth in~~
22 ~~subdivision one of this section, and such order shall be granted unless~~
23 ~~the district attorney demonstrates to the satisfaction of the court that~~
24 ~~the interests of justice require otherwise] the chapter of the laws of
25 two thousand twenty-five which amended this subdivision, and whose
26 records have not been sealed pursuant to subdivision one of this
27 section, may apply to have the records of such criminal action or
28 proceeding sealed at the clerk's office for the court in which the crim-
29 inal action or proceeding was terminated. Application may be made by the
30 defendant or by their attorney. Upon a determination by the clerk that
31 the court did not find that the interests of justice required that the
32 case not be sealed, as defined in subdivision one of this section, the
33 clerk of the court shall immediately notify the commissioner of the
34 division of criminal justice services and the heads of all appropriate
35 police departments and other law enforcement agencies that the record of
36 such action or proceeding shall be sealed. Upon receipt of notification
37 of such termination and sealing, all records relating to the criminal
38 action shall be sealed, as required under paragraph (c) of subdivision
39 one of this section, and all photographs, photographic plates or proofs,
40 palm prints and fingerprints shall be destroyed or returned as specified
41 in paragraphs (a) and (b) of subdivision one of this section. This
42 subdivision shall not apply to cases in which the court declined to seal
43 for reasons stated on the record, pursuant to subdivision one of this
44 section. When an applicant under this subdivision presents to the court
45 clerk fingerprint records from the New York state division of criminal
46 justice services or a court disposition which indicate that a criminal
47 action or proceeding against the applicant resulted in a sealable
48 conviction, but supporting court records cannot be located, have been
49 destroyed, or do not indicate whether the court ordered that the case
50 not be sealed, the clerk of the court wherein such criminal action or
51 proceeding was terminated shall proceed as if the matter had been so
52 terminated.~~

53 § 3. This act shall take effect on the ninetieth day after it shall
54 have become a law.