

STATE OF NEW YORK

2297

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

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:

1 Section 1. Section 160.60 of the criminal procedure law, as amended by
2 chapter 877 of the laws of 1976, is amended to read as follows:
3 § 160.60 Effect of termination of criminal actions in favor of the
4 accused.

5 1. Upon the termination of a criminal action or proceeding against a
6 person in favor of such person, as defined in subdivision [~~two~~] three of
7 section 160.50 of this [~~chapter~~] article, the arrest and prosecution
8 shall be deemed a nullity and the accused shall be restored, in contem-
9 plation of law, to the status [~~he~~] such person occupied before the
10 arrest and prosecution. The arrest or prosecution shall not operate as a
11 disqualification of any person so accused to pursue or engage in any
12 lawful activity, occupation, profession, or calling. Except where
13 specifically required or permitted by statute or upon specific authori-
14 zation of a superior court, no such person shall be required to divulge
15 information pertaining to the arrest or prosecution.

16 2. Upon the termination of a criminal action or proceeding against a
17 minor pursuant to section 160.50 of this article, all photographs, fing-
18 erprints, palmprints, and arrest records related to such action or
19 proceeding shall be expunged only if such minor has no prior arrest
20 record. For purposes of this article, "minor" shall have the same mean-
21 ing as juvenile offender as defined by subdivision forty-two of section
22 1.20 of this chapter.

23 § 2. This act shall take effect immediately.

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

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