



Legislation Text

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Res. No. 1034

A resolution calling upon the New York State Legislature to amend the Criminal Procedure Law to allow the expungement of criminal records in certain situations.

By Council Members Espada, Lopez, Perkins, Provenzano, Reed, Rodriguez, Warden, Michels and Robles.

Whereas, Under the current criminal record sealing provisions of the Criminal Procedure Law, certain criminal actions or proceedings that are terminated "in favor of the accused" result in the sealing of the criminal record; and

Whereas, Under these provisions of the Criminal Procedure Law, an action "in favor of the accused" includes an acquittal and dismissal of the criminal charges; and

Whereas, These provisions of the Criminal Procedure Law also include a situation where after an arrest is made but before an accusatory instrument is filed in criminal court, the police decide not to proceed any further; and

Whereas, Although these provisions of the Criminal Procedure Law provide for sealing of the record and for destruction or return of fingerprints and photographs, they do not provide for destruction of the entire record or file; and

Whereas, Although the Criminal Procedure Law makes it very difficult for individuals to access these sealed records, the possibility of such access always exists; and

Whereas, A person who has had a criminal case dismissed or been acquitted of a charge has been found not guilty and should have the benefit of knowing that his criminal record is destroyed; and

Whereas, A person who has been arrested but does not have any charges lodged against him because the police decide not to pursue the case, should not have to be concerned that a record of the arrest exists; and

Whereas, The existence of an arrest record, even after all charges have been dismissed or when charges are never pressed, can seriously hamper an individual's ability to enter certain professions or impede the ability to seek certain employment or schooling; and

Whereas, Other jurisdictions, such as Utah and Indiana, recognize this stigma on an individual who has been arrested and subsequently vindicated and thereby provide a mechanism for the destruction of all the records in a criminal file; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Criminal Procedure Law to allow for expungement of a criminal record in certain situations.

Referred to the Committee on Fire and Criminal Justice Services.

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