



## Legislation Details (With Text)

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**Title:** Resolution calling upon the United States Congress to pass H.R. 1154, introduced by Representative Jerrold Nadler, which would require Federal law enforcement agencies to expunge voidable arrest records and provide incentive funds to States that have in effect a system for expunging such records.

**Sponsors:**

**Indexes:**

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Date	Ver.	Action By	Action	Result
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Res. No. 1849

Resolution calling upon the United States Congress to pass H.R. 1154, introduced by Representative Jerrold Nadler, which would require Federal law enforcement agencies to expunge voidable arrest records and provide incentive funds to States that have in effect a system for expunging such records.

By Council Members Robles, Linares, Marshall and Perkins; also Council Members Foster, Lopez, Michels, Robinson and Rodriguez

Whereas, H.R. 1154, also known as the "Clear Your Good Name Act" would require that Federal law enforcement agencies, for arrests occurring on or after the effective date of the Act, expunge any reference in any Federal law enforcement agency record to an arrest that becomes voidable, as well as any Federal records generated pursuant to that voidable arrest, such as fingerprint records or photographs, not later than 30 days after the date on which that arrest becomes a voidable arrest; and

Whereas, If the arrest occurred before the effective date of H.R. 1154, an individual may petition a Federal District Court of competent jurisdiction for a Federal expungement order, wherein the court upon finding that an arrest is voidable shall order the custodian of the record to expunge any reference to the arrest and any records generated pursuant to the arrest not later than 30 days after receipt of the order; and

Whereas, For purposes of H.R. 1154, a "voidable arrest" is any arrest that results in (1) release of the person without the filing of formal charges against the person; (2) dismissal of proceedings against the person; or (3) a determination that the arrest was without probable cause; and

Whereas, If an arrest is a voidable arrest, H.R. 1154 allows the person who was arrested to respond to any inquiry as though the arrest did not occur, unless otherwise provided by law; and

Whereas, H.R. 1154 would make it a class B misdemeanor crime to knowingly fail to expunge a reference or record required to be expunged under the Act; and

Whereas, H.R. 1154 authorizes an increase in the Federal Funds available to a State under the Omnibus Crime Control and Safe Streets Act of 1968 if the State has in effect a law which provides expungement procedures, criminal penalties and individual rights with respect to voidable arrests that are substantially similar to the provisions of the Act; and

Whereas, A person who has had criminal charges dismissed should have the benefit of knowing that his or her criminal record is

expunged; and

Whereas, A person who is released from custody without the filing of any criminal charges or whose arrest was determined to be without probable cause 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 employment or educational opportunities; and

Whereas, In 2000, the Council, concerned with the issue of voidable arrest records, passed Resolution Number 1034, which called upon the New York State Legislature to amend the Criminal Procedure Law to allow the expungement of criminal records in certain situations; now, therefore, be it

Resolved. That the Council of the City of New York calls upon the United States Congress to pass H.R. 1154, introduced by Representative Jerrold Nadler, which would require Federal law enforcement agencies to expunge voidable arrest records and provide incentive funds to States that have in effect a system for expunging such records.