



Legislation Text

File #: Int 1636-2017, Version: A

Int. No. 1636-A

By Council Members Johnson, Gentile, Gibson, Kallos, Constantinides and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of criminal justice to address erroneous criminal and juvenile records

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-304 to read as follows:

§ 9-304 Erroneous criminal records.

a. It shall be a policy of the office to use best efforts to:

1. Seek a reduction in erroneous criminal and juvenile records, including but not limited to records of arrests that are not associated with a criminal prosecution.

2. Take all practicable measures to identify the root causes of erroneous criminal and juvenile records and propose solutions to address such causes.

3. Seek the existence of efficient processes through which erroneous criminal or juvenile records may be rectified, and that members of the public are made aware of such processes.

b. Within 30 days of the beginning of each calendar year, commencing in 2019, the office shall issue an annual report to the mayor and the council, and publish such report on the office's website, regarding actions taken pursuant to this section during the previous calendar year.

§ 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

§ 14-170 Erroneous records. The department shall make best efforts to provide records necessary to rectify erroneous criminal records related to voided arrests within three business days of the request for such records, provided that such request includes sufficient information for the department to identify such arrest and such records are in the custody of the department. For the purpose of this section, the term “voided arrest” means any instance in which the department forwards fingerprints of an individual pursuant to section 160.20 of the criminal procedure law, and the department does not refer such individual for criminal prosecution pursuant to section 140.20 of the criminal procedure law.

§ 3. Section 1 of this local law takes effect 90 days after it becomes law, and section 2 of this local law takes effect 30 days after it becomes law.

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