



Legislation Text

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Res. No. 57

Resolution calling on the New York State Assembly to pass A.5303, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, which would amend the New York State Criminal Procedure Law to allow for the expungement of certain records.

By Council Member King

Whereas, People with criminal arrest records often face difficulties in applying for and obtaining employment, housing and other opportunities, even if they were never convicted of a crime; and

Whereas, A criminal arrest record can stay with an individual for life unless the record is sealed or expunged; and

Whereas, New York State doesn't currently allow for the expungement of criminal records and only allows for the sealing of certain arrest records and records of misdemeanor convictions; and

Whereas, People in New York State who have been falsely arrested, whose cases were dismissed, or who were innocent should not be hampered by an arrest record for any purpose and should be allowed to petition that such records be expunged; and

Whereas, A.5303, introduced by Assembly Member Jeffrion L. Aubry and pending in the New York State Assembly, would amend the Criminal Procedure Law to allow individuals an opportunity to petition a court for the expungement of records of arrest, investigation, detention and computer databases for certain qualifying cases; and

Whereas, A.5303 would allow an individual who has been arrested with or without warrant to petition a court to request for an order to expunge any and all records of arrest investigation, computer databases, and

records of detention pursuant to that voidable arrest; and

Whereas, In accordance with A.5303, such request to the court would have to be made no later than thirty days after the date on which the arrest becomes a voidable arrest; and

Whereas, A.5303 would define voidable arrest to mean any arrest resulting in the following conditions, (i) the person was released without the filing of formal charges (ii) a determination that the arrest was without probable cause, or (iii) dismissal of proceedings against the person; and

Whereas, A.5303 would establish penalties for individuals who knowingly fail to expunge records as directed by the court, or who, knowing the records are expunged, use the information for financial gain or willful destruction of a person's character; and

Whereas, Enactment of this law would provide certain individuals an opportunity to expunge their records and be free from the burdens of having an arrest record; and

Whereas, The New York State Assembly should pass this bill and the New York State Senate should introduce and pass a companion bill to allow people falsely or wrongfully accused of crimes and arrested to move on with their lives; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A.5303, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, which would amend the New York State Criminal Procedure Law to allow for the expungement of certain records.

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