



Legislation Text

File #: Res 1521-2000, **Version:** *

Res. No. 1521

Resolution calling upon the members of the New York State Legislature to enact legislation pending before the New York State Senate that establishes the Second Chance Program.

By the Speaker (Council Member Vallone), Council Members Warden, Miller, Foster, Freed, Michels and Berman; also Council Members Espada, Fisher, Koslowitz, Marshall and Povman

Whereas, According to statistics compiled by The Sentencing Project, 5.7 million Americans are incarcerated or on probation or parole, an increase of 209% since 1980; and

Whereas, A significant number of those who are incarcerated, on probation or parole have committed a nonviolent felony offense, such as drug possession; and

Whereas, Non-violent felony offenders who have completed their prison sentence or term of probation or parole often find it difficult to reintegrate successfully into society because employers may not offer them employment, thus making it difficult to provide for their families; and

Whereas, On June 15, 2000 the New York State Assembly passed a bill that establishes the Second Chance program, and such bill is now pending before the New York State Senate; and

Whereas, Under this legislation, a person convicted of eligible felonies or misdemeanors (certain specified drug offenses) may apply to the Second Chance Commission to have his or her conviction sealed; and

Whereas, Such sealed conviction, according to the terms of the legislation, will not disqualify such person from engaging in any occupation, profession or calling and will permit the individual to answer no to the question of whether he or she has ever been convicted of a felony or misdemeanor; and

Whereas, Such an application for a sealed record must be made to a Second Chance Commission, which will consist of five members, two of whom must be appointed by the New York State District Attorneys Association, and such Commission may deny the application, with input from the local District Attorney where the conviction took place; and

Whereas, In order to be granted such a sealing of the criminal record, the person must wait five years from the date of sentence or term of imprisonment, have no subsequent convictions for a felony or misdemeanor, demonstrate that he or she is alcohol or drug free, and complete the requirements of the Second Chance program, which include an individual rehabilitation plan, successful treatment of alcohol or substance abuse and attainment of a GED or high school diploma; and

Whereas, The sealing of a criminal record would assist a program graduate in securing employment and thus help the graduate to provide for a family as a productive citizen of society; and

Whereas, The stigma that can result from a conviction record, and the obstacles to successful rehabilitation and reintegration into society that such stigma can cause, will be mitigated by this legislation while protecting public safety and maintaining community trust; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the members of the New York State Legislature to enact legislation pending before the New York State Senate that establishes the Second Chance Program.

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