



NEW YORK STATE SENATOR

Thomas F. O'Mara

## Senator O'Mara's weekly column 'From the Capitol' -- for the week of November 27, 2023 -- 'New law wipes clean millions of criminal records'

THOMAS F. O'MARA November 27, 2023

| ISSUE: **BAIL REFORM; CRIMINAL JUSTICE; DISCOVERY; LAW ENFORCEMENT; PUBLIC SAFETY**



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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and

policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, **"New law wipes clean millions of criminal records"**

We are facing an era in state government that could forever be defined by a “no consequences” approach to law and order.

And the consequences are clear: a rapidly declining Empire State. Beginning under former Governor Andrew Cuomo and continuing under current Governor Hochul, working in tandem with a state Legislature under all-Democrat control, New York State’s criminal justice system has been turned on its head -- and, in the view of many, for the worse.

Much worse, in fact. Failed bail and discovery law reforms have been a disaster and spurred an overriding sense of lawlessness statewide. A “Raise the Age” law (aka the Gang Recruitment Act) removes criminal responsibility for violent 16- and 17-year-olds, thereby providing incentive for gangs to recruit and utilize younger members.

The ability of law enforcement to ensure public safety and security has been severely weakened, and the criminal element knows it. The same is true throughout our prison system, where the Albany Democrats’ HALT Act restricts the Department of Corrections from maintaining control and, instead, gives violent inmates the upper hand. Correctional facilities have become a powder keg of violence.

New York now has a parole system that goes out of its way to release violent inmates -- including cop killers and child murderers -- back into society.

Under the cover of a so-called “progressive” political ideology that has taken complete control of the reins of power in Albany, this state has become less safe. Statewide polling

throughout the past few years confirms that New Yorkers view crime as one of the most critical issues confronting the state and that New York is moving in the wrong direction to address it.

Instead of being a wakeup call to Governor Hochul and Albany Democrats, it just fuels their determination to keep going too far. The latest example came last week when Governor Hochul signed their latest pro-criminal policy, one known as the “Clean Slate Act.”

The governor and supporters of the new law tout it as a “second chance” action, aimed at giving people with criminal records, who have served their time and paid their debt to society, a better opportunity to move forward in their lives to find a job, get an education, and secure housing.

That’s an admirable and, in fact, widely held goal of the criminal justice system, and New York State already had built-in mechanisms to achieve it. Clean Slate, however, takes erasing criminal records from public view to a whole new level and does so at the risk of crime victims and law-abiding New Yorkers.

That’s because the innocent-sounding action opens the door to a widespread sealing of *millions* of criminal records, 2.3 million records to be exact, including for any number of violent crimes including assault, armed robbery, attempted murder, manslaughter, kidnapping, drug trafficking, and others, regardless of how many criminal convictions an individual has. They're all expunged.

Records will be sealed eight years after a sentence is complete for felonies and after three years for misdemeanors.

Supporters try to ensure us that public protections remain in place, that the new law doesn’t apply to sex crimes, murder, and some other violent class A felonies, and that law

enforcement and a limited number of employers, in education for example, will still have access to criminal history information.

One prominent state prosecutor, Albany County District Attorney David Soares, a Democrat, isn't buying it. Following last week's bill signing, he said, "Employers and other people will not be able to see who it is that they're hiring, so you're putting a lot of employers in peril. If you're a parent who's looking for child care, you may be hiring someone who has had a violent past, and you just don't know it."

Clean Slate continues an alarming trend by Governor Hochul and the Legislature's Democrat majorities to keep enacting pro-criminal policies despite rising rates of criminal violence statewide.

As Senator Rob Ortt, Leader of the Senate Republican Conference, puts it, "The victims of crime and their families do not get a 'Clean Slate.'"

It's another day in New York and another pro-criminal policy pushed by one-party rule. This state faces a crisis of rising crime and lawlessness, and Albany Democrats go ahead and enact another new law to make communities, neighborhoods, and streets even less safe.

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