



NEW YORK STATE SENATOR

John A. DeFrancisco

Senator DeFrancisco Announces Bill to Protect Children From Drug Law Offenders

JOHN A. DEFRANCISCO May 28, 2009



Senator John A. DeFrancisco (R-I-C, Syracuse) today advocated for a bill that was just introduced that would fix a dangerous problem created by legislation that was passed earlier this year. The enacted legislation, which is set to take effect on June 8th, would allow courts to seal the criminal records of certain drug felons when they complete drug court, so there will be no record of their conviction when they apply for employment.

“This measure goes against all of the other laws that are intended to give the public a better chance at safety,” said Senator DeFrancisco. “It opens the door for repeat criminals to obtain jobs working with our children, our vulnerable seniors and other people’s money. We cannot place our children in danger, in order to give criminals a better chance to get a job.”

Senator DeFrancisco is cosponsoring a bill to repeal the new record-sealing provision that allows the courts to seal the current conviction and up to three prior misdemeanors in order to keep them from being disclosed during background checks for sensitive positions. If this law is left on the books, a criminal could have a total of four convictions hidden from potential employers.

“It’s very troubling that drug crimes, as well as non-drug crimes, can be sealed by the court,” continued Senator DeFrancisco. “This means, burglars and car thieves can get a pass on their crimes simply because they completed the requirements of drug court.”

Senator DeFrancisco said that the state has consistently enacted laws requiring criminal background checks to protect the safety of the public, and especially children and the most vulnerable, by ensuring that people hired to work in certain jobs have no record of criminal convictions and are worthy of people’s trust. The new record-sealing provision undermines these laws.

“This provision would allow drug users and dealers to take care of our children at a day care center or as a nanny, teach at our schools, work at our nursing homes or obtain some other position of trust. Moreover, it would place employers, who have to decide whom to employ, at risk of hiring someone without knowing his or her criminal past. I would hate to have a tragedy occur as a result of this dangerous measure. We have to place the safety of our children above the desire to help criminals get jobs,” concluded Senator DeFrancisco.

