



NEW YORK STATE SENATOR

Stephen M. Saland

Saland Fights to Keep Drug Felons Out of Schools and Nursing Homes

STEPHEN M. SALAND May 28, 2009



New bill to fix dangerous problem Democrats hid in State Budget

Senator Steve Saland (R,I,C Poughkeepsie) today announced he is sponsoring a bill which would fix a dangerous flaw in the recently enacted State Budget. The provision, which takes effect on June 8th, allows courts to seal the criminal records of certain drug felons when they complete drug court and a drug diversionary program. The new law would permit a judge to seal the current felony conviction and up to three prior drug misdemeanor convictions. Burglary, robbery, auto theft and extortion are among the convictions that could be sealed.

“We have enacted a number of laws requiring background checks for many jobs, including those working with vulnerable populations. Wiping the slate clean for drug dealers so they can circumvent these background checks is ludicrous. District attorneys all across the State are voicing their opposition to this absurd and dangerous new provision of law,” said Senator Saland.

In 2000, Senator Saland authored a law to provide that all prospective employees of public school districts be fingerprinted and subjected to a NYS and FBI criminal background check. Starting June 8th, convicted felons who complete a drug court can have their convictions stricken from their criminal record, allowing them to work in schools.

“I am appalled that the law to prevent schools from hiring dangerous criminals, which I worked so hard to pass, has been compromised,” Saland added. “Schools could now unknowingly hire teachers, custodians, cafeteria staff, security guards, etc. with extensive criminal backgrounds and no one will be the wiser. Starting June 8th, schools in New York, will be a lot less safe.”

“This provision, which some have called the Drug Dealer Protection Act, was part of the 2009-2010 budget. I joined all my Republican colleagues in voting against that budget. We cannot tax and spend our way out of a recession, nor should important criminal justice legislation have been buried in it. Opening the doors of schools as well as nursing homes and day care centers, where employee background checks are also mandatory, to criminals with multiple convictions is wrong. The three New York City Democrats running this state should have known better,” Saland concluded.

Senator Saland joined all his Senate Republican colleagues in sponsoring S.5684 which repeals Section 160.58 of the Criminal Procedure Law which was added by the 2009-2010 State Budget.