



NEW YORK STATE SENATOR

James L. Seward

Stop Drug Dealers From Working At Schools, Day Care Centers, Nursing Homes

JAMES L. SEWARD May 26, 2009

ALBANY, 05/27/09 -- Senator James L. Seward (R/C/I-Oneonta) is co-sponsoring a bill that would fix a dangerous problem created by the so-called Rockefeller drug law reforms enacted as part of the 2009-10 state budget. Under the budget measure which takes effect on June 8th, courts may seal the criminal records of certain drug felons when they complete drug court, so there will be no record of their convictions when they apply for employment.

“This change defies all common sense because it would effectively wipe the slate clean for drug dealers who undergo criminal background checks when seeking employment in certain positions,” Senator Seward said. **“This means convicted drug dealers could be taking care of children at a day care center or as a nanny, teaching at a school, or working at a nursing home or some other position of trust.”**

The record sealing provision allows the courts to hide the current conviction and up to three prior misdemeanors in order to keep them from being disclosed during background checks for sensitive positions. If the law is left on the books, a criminal could have a total of four convictions hidden from potential employers. Along with drug offenses, the record sealing provision would hide convictions for other serious crimes such as burglary, robbery, auto theft, forgery, extortion and more.

Under the bill co-sponsored by Senator Seward, the new record-sealing provision enacted with the budget would be repealed, protecting children, families, seniors and others.

The state has consistently enacted laws requiring criminal background checks to protect the safety of the public 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.

“We have an expectation of safety for our children when they are at school, and our nursing homes should also be a secure environment. Background checks are necessary to provide that security and drug dealers should not be able to avoid these safeguards. This bill would fix what could become a dangerous situation hidden in a bad budget,” concluded Seward.