



NEW YORK STATE SENATOR

Owen H. Johnson

Senator Johnson Says Repeal the Seal

OWEN H. JOHNSON June 2, 2009

New Law Needed to Protect our Children and Elderly

Senator Owen Johnson today called for the immediate passage of a bill to correct a potentially life threatening problem created by a hidden provision in 2009-10 state budget.

Under this ill-conceived budget measure, which takes effect on June 8th, courts may seal the criminal records of certain drug felons when they complete a drug court program, resulting in there being no record of their conviction when they apply for employment.

“This is the kind of loophole drug dealers seize on. When convicted criminals are seeking employment, employers need to know the whole truth about the person they are hiring,” said Senator Johnson. “If we don’t make this commonsense fix before June 8th drug dealers could be caring for our children at our schools and day care centers, or working as an orderly in our hospitals.”

Senator Johnson is cosponsoring legislation (S.5684) to repeal the new record-sealing provision that allows the courts to seal the current conviction, and up to three prior misdemeanor convictions, 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.

New York State has a long tradition of protecting the safety of the public by requiring criminal background checks of certain prospective employees. This ensures that the people hired to work in these sensitive fields have no record of criminal convictions and are worthy of trust. The new record-sealing requirement is a direct assault on these laws.

“It is one thing to give someone a second chance. However, that second chance should not jeopardize the safety of some of our most vulnerable populations, such as children or the elderly. We deserve to know the truth. We must repeal the seal,” concluded Senator Johnson.