



NEW YORK STATE SENATOR

Joseph E. Robach

Senator Robach Co-Sponsors Bill to Fix Criminal Background Check Problem Created by Recently Enacted Drug Offender Reforms

JOSEPH E. ROBACH June 4, 2009



Senator Robach today announced that he is co-sponsoring a bill that would fix a dangerous problem created by the Governor's drug offender 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 conviction when they apply for employment.

Senator Robach said, "One result of these drug offender reforms is that a person convicted of multiple drug offenses could obtain sensitive positions teaching our children or caring

for our vulnerable senior citizens. While I have always supported increased funding to help those fighting drug addiction, I strongly believe that information on convictions should be made available to potential employers especially for these types of jobs. The safety of our children and elderly must come first.”

The bill calls for repealing only the new record-sealing provision enacted with the budget, 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.

New York 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.

Senator Robach added, “Unfortunately, this is yet another example of what happens when a measure is rushed through the legislature without appropriate, inclusive dialogue.”