



NEW YORK STATE SENATOR

George Winner

Rockefeller Drug Law Mistake?

GEORGE WINNER June 1, 2009

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You might recall that the 2009-2010 New York State budget included broad and controversial provisions to ease the 1970's-era Rockefeller drug laws.

While this action was taken despite **my strong opposition** and against the better judgement of many of my legislative colleagues, a new problem has surfaced and it's an issue that's going to get plenty of attention throughout the week ahead.

In brief, the issue is this: One of the key provisions of the approved Rockefeller drug law changes will soon allow judges to seal the records of felony drug offenders who complete drug court. That may sound reasonable at first reading, but we need to read the fine print.

Specifically, courts are going to be allowed to seal not only the felony conviction record, but also up to THREE prior misdemeanors in order to keep them from being disclosed during employment background checks -- the idea being that convicted drug felons who complete drug court won't have a fair shot at fully reentering society if employers become aware of their criminal histories.

The other side of that coin, of course, is that day care centers, nursing homes, schools, security guard companies, banks, and other employers should be fully aware of who they're hiring, particularly for positions of trust.

I just don't think New York State government should be in the business of rewriting -- or more accurately, erasing -- the criminal histories of convicted drug felons.

We're trying to act swiftly to do away with this provision before it takes effect on June 8th.

Read more [here](#).