



NEW YORK STATE SENATOR

James L. Seward

Keep Drug Dealers Out Of Schools

JAMES L. SEWARD May 28, 2009

Each day when parents send their children off to school they worry about many things. Do they have their lunch? Have they finished their homework? Are they ready for their spelling test? But parents shouldn't have to ask, "Is my child's bus driver a drug dealer?" Unfortunately under a provision included in the new state budget, that final question will soon become a legitimate one.

Under a provision included in the 2009-10 budget, starting June 8th, courts may seal the criminal records of certain drug felons when they complete drug court. This means when a school or day care center runs a background check there will be no record of a felon's drug conviction. It removes an important safeguard and school officials will have no knowledge that a job applicant has served time for selling crack to kids.

The record sealing provision not only allows the courts to hide a current felony conviction of a drug dealer, but can also mask up to three prior misdemeanor convictions as well. Serious crimes like burglary, robbery, auto theft, forgery, extortion and more would all disappear from a criminal's record. Imagine someone with a rap sheet like that supervising an after school program at your local school, or serving lunch to toddlers at a day care center.

Background checks are also used when individuals apply for work at nursing homes. Again, under this new provision, a drug dealer could apply for a job taking care of senior citizens,

and no one would know the criminal's unlawful past. Now someone who was once peddling drugs could wind up with access to all types of medication that would be worth big money on the street.

Other positions of trust like bank tellers also fall under this provision. Imagine a bank teller who has done time for forgery handling countless financial transactions and having access to sensitive personal information. A bank president could unknowingly hire just such a person thanks to this change.

Many district attorneys across New York are also criticizing this change in the drug law. In a news report, Staten Island District Attorney Daniel Donovan, who heads the state's district attorneys' association said, "The list of jobs and licenses that you are going to be able to get without having your criminal drug activity revealed to a potential employer is remarkable."

We have an expectation of safety for our children when they are at school. Our nursing homes should be a secure environment and banks and other businesses require trusted employees. Background checks are necessary to provide that security and convicted drug dealers should not be able to avoid these safeguards.

I am very supportive of the work drug courts are doing, and certainly many individuals who take part in these programs turn their lives around. These people deserve a second chance, but not when it comes in the way of protecting our most vulnerable citizens. The public's right to know and right to be protected must come before the rights of convicted criminals.

That's why I have joined with my colleagues to co-sponsor a bill that would fix this dangerous problem and "repeal the seal." I am urging the senate and assembly to pass this public safety measure as soon as possible and get it to the governor so we can stop this

potential threat.

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.

By repealing this provision we can ensure that necessary safeguards remain in place so that people still know who they are entrusting their baby to, or their grandmother, or their money. The bill would protect our safety, security and peace of mind.