



NEW YORK STATE SENATOR

James Sanders Jr.

Sanders Applauds Governor's Decision to Pardon Non-Violent Youth Offenders

JAMES SANDERS JR. December 28, 2015

State Senator James Sanders Jr. (D-Rochdale Village) yesterday expressed his support of Governor Cuomo's decision to pardon individuals who committed misdemeanors or non-violent felonies as teens, but have since lived law-abiding lives. It is part of the state's clemency program and some 10,000 people could qualify.

"This move by the governor potentially means a new start and a new life for those who have made mistakes as teenagers and have been branded as criminals for the rest of their lives," Sanders said. "A pardon by the state can remove barriers to employment, housing and other services."

In order to qualify for an executive pardon, applicants must have been convicted of a non-violent crime at age 16 or 17 and meet the following requirements as outlined by the state.

- At least 10 years have passed since you were either convicted of the crime, or released from a period of incarceration for that crime, if applicable.
- You have been conviction-free since that time.
- You were convicted of a misdemeanor or a non-violent felony.

- You were not convicted of a sex offense.
- You are currently a New York State resident.
- You have paid taxes on any income.
- You are a productive member of your community, meaning that you are working, looking for work, in school or legitimately unable to work.

If a pardon is granted, it would be under the condition that the individual not be re-convicted of a crime. If they are, the pardon would be taken away.

“This program does not advocate leniency for all, but rather seeks to assist those who have turned their lives around,” Sanders said. “We should not be subjecting those who have learned from their mistakes and moved on, to a life of endless punishment. That only serves to make them feel hopeless and may trigger the inclination to re-offend.”

There are some concerns regarding the Governor’s clemency program that need to be examined moving forward, however, like the fact that a pardon does not mean that a record is expunged, nor does it prevent an individual from having to admit that they have been convicted of a crime when questioned by a potential employer, even though they would have documentation showing that they had been pardoned.

Senator Sanders also supports legislation to raise the age of criminal responsibility from 16 to 18, a measure that has repeatedly been blocked by Republicans. However in the interim, Governor Cuomo has issued an executive order directing the Department of Corrections and Community Supervision to remove minors from adult prisons and put them in their own special facilities. New York continues to be the only state other than North Carolina that prosecutes all youths as adults when they turn 16 years old.

“We have a responsibility to be tough on crime,” Senator Sanders said, “but we also have a responsibility to rehabilitate youth who have made poor choices and set them back on the right path.”