



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of November 25, 2024 -- 'Millions of criminal records will be swept clean in NY'

THOMAS F. O'MARA November 25, 2024

| ISSUE: **CLEAN SLATE ACT; CRIMINAL JUSTICE; PUBLIC SAFETY**



Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature.

We continue facing an era in state government that will forever be defined by a "no consequences" approach to law and order.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and

policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, **"Millions of criminal records will be swept clean in NY"**

We continue facing an era in state government that will forever be defined by a "no consequences" approach to law and order.

And in a state that remains, at least for the foreseeable future, under one-party, all-Democrat control, there appears to be no let-up on that approach. In fact, one of the first post-election actions for New Yorkers is the implementation of a new law known as the "Clean Slate Act" -- which took effect on November 16th and directs the state court system to begin the process of automatically expunging millions of criminal records from public view.

The consequences of these and many other actions have become more than clear to many of us in the Legislature, throughout the law enforcement community, amongst advocates for crime victims and their families, and elsewhere: a rapidly declining Empire State. Beginning under former Governor Andrew Cuomo and continuing under current Governor Hochul, working in tandem with the Legislature's Democrat majorities, New York State's criminal justice system has been turned upside down -- and, in the view of many, for the worse.

Much worse, in fact. Failed bail and discovery law reforms have been a disaster. A "Raise the Age" law (aka the Gang Recruitment Act) removes criminal responsibility for violent 16- and 17-year-olds, thereby providing incentive for gangs to recruit and utilize younger members.

The ability of law enforcement to ensure public security has been severely weakened and the criminal element knows it. The same is true throughout our prison system, where the Albany Democrats' HALT Act restricts the Department of Corrections from maintaining control and, instead, gives violent inmates the upper hand. Correctional facilities have become powder kegs of violence.

At the beginning of November, the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA) called on the governor and the Legislature to recognize and end it, noting that the most recent data indicates "that both inmate-on-staff and inmate-on-inmate assaults have already exceeded 2023 levels with two months still left in the calendar year, underscoring a crisis that shows no signs of improvement."

NYSCOPBA President Chris Summers said, "Enough is enough -- our members cannot and should not be used as punching bags. NYSCOPBA members, working in the most challenging of conditions,

are being assaulted at record rates, yet their health and safety continue to be disregarded by those responsible for protecting the state workforce. The statistics speak volumes: 2024 is set to shatter last year's assault records."

New York now has a parole system that goes out of its way to release violent inmates -- including cop killers and child murderers -- back into society.

Instead of it all being a wakeup call to Governor Hochul and Albany Democrats, it just seems to keep fueling their determination to keep going too far in the opposite direction. The latest example is that the "Clean Slate Act" is now another law of the land in New York.

The governor and supporters of the new law tout it as a "second chance" action, aimed at giving people with criminal records, who have served their time and paid their debt to society, a better opportunity to move forward in their lives to find a job, get an education, and secure housing.

That's an admirable and, in fact, widely held goal of the criminal justice system, and New York State already had built-in mechanisms to achieve it. Clean Slate, however, takes erasing criminal records from public view to a whole new level -- a sweeping, across-the-board, one-size-fits-all approach at the risk of crime victims and law-abiding New Yorkers.

That's because the innocent-sounding action now begins a widespread sealing of millions of criminal records, upwards of 2.3 million conviction records to be exact, including for any number of violent crimes including assault, armed robbery, attempted murder, manslaughter, kidnapping, drug trafficking, and others, regardless of how many criminal convictions an individual has. They're all expunged.

Records will be sealed eight years after sentencing or after release from incarceration, whichever is later, for felony convictions, and after three years for misdemeanors.

One former, prominent state prosecutor, Albany County District Attorney David Soares, a Democrat, never bought it. Following the law's approval, he said, "Employers and other people will not be able to see who it is that they're hiring, so you're putting a lot of employers in peril. If you're a parent who's looking for child care, you may be hiring someone who has had a violent past, and you just don't know it."

Senate Republican Leader Rob Ortt has stated, "The victims of crime and their families do not get a 'Clean Slate.'"

Clean Slate continues an alarming trend by Governor Hochul and the Legislature's Democrat majorities to keep enacting pro-criminal policies that risk the safety of all New Yorkers.

###