



NEW YORK STATE SENATOR

Frank Padavan

Senator Padavan Proposes Bill To Fix Criminal Background Check Problem Created By Rockefeller Reforms

FRANK PADAVAN May 26, 2009



Senator Frank Padavan (Queens) today introduced a bill that would fix a dangerous problem created by the so-called Rockefeller drug law 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.

“This change defies all common sense because it would effectively wipe the slate clean for drug dealers who undergo criminal background checks when seeking employment in certain positions,” Senator Padavan said. “This means convicted drug dealers could be taking care of children at a day care center or as a nanny, teaching at a school, or working at a nursing home or some other position of trust.”

Senator Padavan is introducing a bill to repeal 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.

Senator Padavan said 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.

“The sponsor of this budget measure says it was intended to give criminals a better chance to get a job, but it goes against other laws that are intended to give the public a better chance to ensure their safety,” Senator Padavan. “My bill would fix this by striking what was a dangerous provision hidden in a bad budget.”