



NEW YORK STATE SENATOR

Michael F. Nozzolio

Senator Nozzolio Proposes Legislation to Stop “Drug Dealer Protection Act”

MICHAEL F. NOZZOLIO May 28, 2009

Albany – State Senator Mike Nozzolio today announced that he is supporting legislation that would fix a dangerous problem created by the so-called Rockefeller drug law changes that were enacted as a part of the 2009-10 New York State budget.

Under the new law which takes effect on June 8th, it will be up to the courts and an individual judge to decide whether or not to seal the criminal record of a convicted drug felon if he or she completes their drug court obligations. This means that there will be **no record of their conviction when they apply for employment** and no way to insure that our most vulnerable citizens, our children and our senior citizens, are protected from exposure to someone who was convicted of a crime.

“This new law defies all common sense and, like the rest of the drug law changes that the New York City Democrats pushed through in the recent state budget, this law is nothing more than a drug dealer protection act,” said Senator Nozzolio. “This new law effectively wipes out the criminal record of a convicted drug dealer who has simply gone through the motions during drug court and whose previous offenses will not be detected when a criminal background check is done on his or her background. This means that these same individuals can now seek employment in important positions of trust, such as our local day care centers, nursing homes or other areas involving children and seniors.”

Senator Nozzolio voted against this new law when it was uncovered, buried deep in the disastrous 2009-10 State budget that was passed in April of this year. Under this new provision, a judge can seal the current criminal conviction and up to three prior misdemeanor convictions and keep them from being disclosed during background checks on these individuals. If this law is left on the books, a criminal could have a total of four criminal convictions and still show no criminal offenses during a routine background check

by a potential employer.

“In order to correct this miscarriage of justice, I, along with my Senate Republican colleagues have introduced legislation that would repeal the drug dealer protection act – and keep criminal records from being hidden from the public and potential employers,” said Senator Nozzolio. “Imagine a drug dealer who was convicted of serious drug felony being entrusted to care for your child or your loved one in a nursing home. We must do all possible to correct this dangerous threat to our safety and security before it’s too late.”

Senator Nozzolio has consistently supported legislation to require criminal background checks for people that apply for jobs in positions of trust, such as day care providers, teachers, bus drivers, nursing homes staff, and for those most vulnerable to abuse, such as our elderly and the disabled.

“The public’s right to know and right to be protected must come before the rights of criminals,” said Senator Nozzolio. “I am calling on the Senate and Assembly to enact this legislation as soon as possible and for Governor Paterson to sign it into law. We must correct this dangerous law that was disguised and adopted as a part of the worst state budget in recent history. We must ensure safety, security and peace of mind for all law-abiding New Yorkers.”

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