



NEW YORK STATE SENATOR

Andrew J. Lanza

Senator Lanza Pushes for Bill to Fix Criminal Background Check Problem Created by Rockefeller Reforms

ANDREW J LANZA June 1, 2009

Senator Lanza along with members of the Senate Republican Conference and District Attorneys from across the State today pushed for major criminal justice legislation to fix a dangerous problem that will put the lives of the most vulnerable New Yorkers at risk.

Lanza has co-sponsored a bill with Senator Frank Padavan (Queens), 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.

In Albany today Lanza once again decried the legislation originally passed as a threat to public safety. “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,” Senator Lanza said. “This means convicted drug dealers with a prior criminal record 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. It is outrageous to allow criminals to have their criminal records wiped clean (up to four convictions) as a reward for selling drugs to children,” Lanza said.

The bill being pushed by Senator Lanza will 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. Lanza pointed out that without repealing this provision, convicted drug dealers are being told they could lie to prospective employers to get the job.

Senator Lanza 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," said Senator Lanza. "Our bill would fix this by striking what was a dangerous provision hidden in a bad budget."

Staten Island District Attorney and President of the District Attorneys' Association of the State of New York Daniel M. Donovan, Jr. stated, "Under the law as it is currently written, a background check would be a futile exercise because Judges would be allowed to seal records of as many as four criminal convictions, one of which can be for a felony. The proposed legislation will protect the public by ensuring full disclosure of the criminal history of applicants for jobs where people serve in a position of trust."

Democrats were repeatedly warned during the April 2nd debate of the 2009-10 State Budget of the consequences of letting drug dealers and other felons out of prison and hiding their past from background checks required of teachers, caregivers, nannies and other positions of trust. This was the only opportunity for public debate on the bill passed by the Senate because democrats decided to bypass the Senate Codes Committee and put this legislation, which drastically reduces sentences for drug dealers, directly into the State Budget legislation.

To view Senator Lanza's floor remarks on the drug law changes use this link:

<http://www.youtube.com/watch?v=jv92-0DVA8I>. To view other Senators' remarks use this link:

<http://www.youtube.com/watch?v=u5FefnMGBoc>.

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