



NEW YORK STATE SENATOR

John A. DeFrancisco

Protecting our Children from Drug Law Offenders

John A. DeFrancisco

ISSUE:

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Protecting the most vulnerable members of our society is of the utmost importance to me. That is why I am advocating for a bill that would fix a dangerous problem created by legislation that was passed earlier this year. The enacted legislation would allow courts to 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 measure goes against all of the other laws that are intended to give the public a better chance at safety, and it opens the door for repeat criminals to obtain jobs working with our children, our seniors and other people's money.

The new record-sealing provision 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 employment. If this law is left on the books, a criminal could have a total of four convictions hidden from potential employers.

It is very troubling that drug crimes, as well as non-drug crimes, can be sealed by the court under the new provision. This means that people who commit assaults and thefts as well as drug offenses can get a pass on their crimes being disclosed simply because they completed the requirements of drug court.

Our state has consistently enacted laws requiring criminal background checks to protect the safety of the public, especially children and other vulnerable individuals like the elderly, 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 provision would allow drug users and dealers to take care of our children at a day care center or as a nanny, teach at our schools, work at our nursing homes or obtain some other position of trust. Moreover, it would place employers, who have to decide whom to employ, at risk of hiring someone without knowing his or her criminal past. I would hate to have a tragedy occur as a result of this dangerous measure.

My Senate Republican colleagues and I are calling on the Assembly and Senate Democrats and the Governor to join us in eliminating this threat to our most vulnerable populations by supporting our bill, which would "repeal the seal." We must place the safety of our children above the desire to help criminals get jobs.

If you would like more information on our bill to repeal the law, please feel free to contact my Syracuse office at (315) 428-7632. In addition, I would like to encourage you to contact your Assembly member and encourage him/her to help us fix this dangerous problem.