

**Proposals to Secure Fair Employment and Occupational Licensing Opportunities for  
Qualified Individuals with Histories of Criminal Justice System Involvement  
Presented on September 29, 2005 at the  
"Increasing Public Safety: New York City, NuEntry and Employment" Conference**

**Background**

Nearly 30 years ago New York State began enacting a comprehensive series of statutes to implement the state's strong public policy to secure fair employment and occupational licensing opportunities for qualified individuals with histories of criminal justice system involvement. The goal of these laws is to enable those who pay their debt to society to earn a living and lead productive, tax-paying, and law-abiding lives. This piece-by-piece legislative approach largely accomplished the goal, but some technical problems and unforeseen developments have unintentionally left a number of people without protection, including young people who receive youthful offender status and other qualified jobseekers that have paid their debt to society and have shown evidence of rehabilitation.

**Proposals:**

- I. Amend Criminal Procedure Law § 160.60 so that individuals with YO adjudications or convictions for non-criminal offenses are restored to the status they had before their prosecutions.
- II. Amend the Human Rights Law (Executive Law § 296(16)) so that individuals with confidential youthful offender (YO) adjudications and sealed convictions for non-criminal offenses are protected against discrimination.
- III. Amend Article 23-A of the Correction Law so that individuals who are employed, as well as individuals who are applicants for a job (who are currently protected under Article 23-A), are protected from unfair employment discrimination.
- IV. Amend Corrections Law § 702.6 so that applicants for certificates of relief from disabilities or their attorneys can actually obtain reports prepared as part of the application, as required under current law.
- V. A bill that would limit the length of time that conviction history can be posted on the Department of Corrections' website to 10 years after an individual is released from custody.

Memoranda describing each proposal, along with suggested language, are attached.

In addition to the above proposals, HIRE and NuLPG also supports other proposals that the Legal Action Center and other organizations have recommended, including: 1) "Second Chance" legislation that allows individuals with no more than one non violent felony conviction and two misdemeanor convictions to get their records sealed for employment and other civil purposes.