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June 15, 2016

Hon. John J. Flanagan
Temporary President and Majority Leader, New York State Senate
Room 330, State Capitol Building
Albany, NY 12247

Hon. Carl E. Heastie
Speaker, New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12224

Dear Senator Flanagan and Speaker Heastie:

I am writing as president of the District Attorneys Association of the State of New York in support of **S8113, A10710** (Gallivan, Lentol) a bill to allow for the civil sealing of certain eligible offenses.

District attorneys are well aware of the implications that a criminal conviction history can have on an individual's ability to secure employment, housing, and other services. At the same time, we are mindful that public safety demands that certain convictions remain unsealed, such as sex crimes, violent felonies, and crimes that impact the ability of an individual to engage in certain occupations, such as child care. We also believe that when individuals re-offend, their criminal history must be available to law enforcement.

This bill strikes the right balance between helping former offenders to re-enter society and retaining law enforcement's access to the full record. It will help those who have made a poor choice in the past, but remained clean for 10 years after the completion of their sentence, to enjoy civil benefits. Research has shown that after 10 years, the likelihood of reoffending is very similar to the likelihood of someone offending for the first time; in other words, that previous offender is no longer a greater risk to society than any other citizen.

Importantly, sealing would not be automatic. The individual would have to meet the requirements and apply for sealing. District Attorneys would be able to oppose the application for sealing and courts could hold a hearing even absent that opposition. Those safeguards ensure that the circumstances of the crime or crimes, individual's character and rehabilitation; victim statements; public safety, and respect for the law can all be taken into account.

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This sealing statute has been carefully crafted to address the many concerns that District Attorneys have previously raised about sealing criminal convictions. In cases involving people who have done their time and been rehabilitated, we have a vested interest in removing barriers to reintegration while ensuring that public safety isn't compromised. This proposal seeks to strike that balance.

For these reasons, DAASNY supports **S8113, A10710**.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Zugibe', with a stylized flourish at the end.

Thomas P. Zugibe
President, DAASNY
District Attorney, Rockland County

cc: Assemblyman Lentol
Senator Gallivan
Senator Klein
Alphonso David