



STATE CAPITOL

NEW YORK STATE BAR ASSOCIATION
LEGISLATIVE PRIORITIES
2015



NEW YORK STATE BAR ASSOCIATION

Integrity of New York's Justice System. An independent, well-functioning judicial system, accessible to all, is a bedrock principle of our democracy. The courts, more than any other arm of government, are the bulwark of liberty. As practitioners we have a strong interest in the impact that the Judiciary Budget has on the operation of the court system. The courts require adequate funding, prudently spent.

Wrongful Conviction Reform. Wrongful convictions cast serious doubt on a fundamental assumption of our criminal justice system—that the innocent are protected. It is essential that our criminal justice system ensure that the innocent remain free and that the guilty are not free to commit more crimes. The eradication of wrongful convictions is essential to maintain the public's trust and confidence in our criminal justice system. Two of the root causes of wrongful convictions – false confessions and flawed eyewitness identification procedures – must be addressed. To this end, the Association has drafted legislation that would mandate the electronic recording of custodial interrogations, including juveniles, and establish a procedure for law enforcement to follow when conducting eyewitness identifications.

Increase the age of criminal responsibility. In New York State, children who are age 16 and over cannot be prosecuted as juvenile delinquents and, consequently, must be prosecuted as adults in the criminal justice system. In the overwhelming majority of states, most children cannot be charged criminally as adults until they attain age 18. Recent research has proven conclusively that children under the age of 18 have significantly diminished judgmental capabilities. Children in New York 16 years and over could benefit from programs and services available only for children found to be delinquent, rather than being convicted under current state law in criminal court.

Sealing records of conviction of certain crimes. New York law provides for the sealing of records of a limited number of crimes. There are many misdemeanor and non-violent crimes to which the sealing provisions do not apply. The consequences of a conviction can follow a person for the rest of his or her life, interfering with, if not preventing, the person's reintegration into the community. Under the right circumstances, a fully reformed person, a person who has committed no further criminal acts, should have the opportunity to move forward without all the collateral consequences that follow a long-past conviction. The Association supports legislation that would allow a person who has been convicted of certain offenses to apply to the court to have their record sealed.

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Franchise Act. The Association supports amending the franchise law to conform to the Federal Trade Commission's (FTC) franchise rules. The FTC rules have preempted much of current New York law, and this proposal would conform New York law to the FTC rules.

Increased voter participation. New York's voter participation rates have continued to decline. In order to reverse that trend, the Association supports changes to the law relating to voter registration and voting practices to make it easier to register and vote.

Support for the Legal Profession. A core mission of the New York State Bar Association is to represent the interests of the legal profession. In that regard, the Association will work to protect the independence of lawyers and the judiciary, enhance access to the courts, and promote affirmative legislative proposals that benefit the profession. It is just as important to oppose those proposals that would unduly burden those practicing the profession. The Association will work to ensure that attorneys are able to protect their clients' interests, effectively engage in the practice of law, and be fairly compensated.



David R. Watson, *Executive Director*
Ronald F. Kennedy, *Director of Governmental Relations*





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One Elk Street, Albany, NY 12207
518.463.3200
www.nysba.org