



STATE CAPITOL

NEW YORK STATE BAR ASSOCIATION

# STATE LEGISLATIVE PRIORITIES 2017



# 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 Governor and Legislature must appropriate adequate resources, which should be wisely and clearly administered by the courts, to ensure that they fulfill their essential role. Further, the Association continues to support a statewide, state-funded system with an independent entity to oversee quality and delivery of public defense services, to ensure that indigent defendants receive effective representation in New York's criminal justice system.

**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 vital to maintain the public's trust and confidence in our criminal justice system.

**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. The New York Family Court Act's establishment of age 16 as the threshold of adult criminal jurisdiction was deemed to be "tentative" by the relevant Constitutional Convention Commission and subject to change. 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.

**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 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 burden the profession. The Association will work to ensure that attorneys are able to protect their clients' interests and effectively engage in the practice of law.

# STATE LEGISLATIVE PRIORITIES FOR 2017

**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 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 successful reintegration into the community. Under the right circumstances, a reformed 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.

**Reform Statutory Power of Attorney.** The statutory power of attorney is one of the most widely-used legal documents, permitting the naming of an agent to manage financial affairs. It is commonly used in the elder law context when there is the threat of an illness that may result in the inability to handle financial affairs in the future. Properly used it can avoid the need for a time-consuming and expensive guardianship proceeding. The Association has submitted a proposal to simplify the statutory power of attorney form and eliminate pitfalls for practitioners and the clients who make use of a power of attorney.





NEW YORK STATE BAR ASSOCIATION

One Elk Street, Albany, NY 12207  
518.463.3200  
[www.nysba.org](http://www.nysba.org)