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Section 750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or
ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or
instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided,
however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol,
handgun, rifle, shotgun, or other firearm.
(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that
"employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

Section 751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public
or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any
license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded
such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not
been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be
construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for
employment made by a prospective employee or previously made by a current employee.

Section 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for
any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be
denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of
such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not
been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be
construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for
employment made by a prospective employee or previously made by a current employee.

Section 753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to
section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one
or more criminal offenses.
(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to
perform one or more such duties or responsibilities.
(d) The nature of the crime committed, and if the crime was a felony or a misdemeanor.
(e) The age of the person at the time of occurrence of the criminal offense or offenses.
(f) The seriousness of the offense or offenses.
(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or
the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give
consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a
presumption of rehabilitation in regard to the offense or offenses specified therein.

Section 754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more
criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a
request, a written statement setting forth the reasons for such denial.

Section 755. Enforcement. 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding
brought pursuant to article seventy-eight of the civil practice law and rules.
2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the
powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.