

New York State Clean Slate Act

The Clean Slate Act (CPL 160.57) will automatically seal an individual's New York State criminal records.

The law takes effect on November 16, 2024.

Within three (3) years, the office of court administration will seal eligible convictions entered before the effective date.

Eligible Convictions:

Convictions under New York state law are eligible for sealing, EXCEPT:

1. Sex crimes (NY Penal Code 130)
2. Sexually violent offenses (Corrections Law Section 168-a(3)), or
3. Class A felonies (except drug-related convictions- NY Penal Code 220)

Notes:

1. The law applies only to criminal convictions under New York state law.
2. The law does not apply to federal crimes or convictions in other states.
3. Drug-related convictions will be sealed, even if they are categorized as class A felonies (NY Penal Code 220).
4. If an individual has both an eligible conviction and an ineligible conviction, the eligible conviction may still be sealed.

Waiting Period:

For the record to be sealed, a specific period has to pass:

- (i) 3 years for a misdemeanor, and
- (ii) 8 years for a (non-A) felony.

The clock starts either:

(i) after incarceration is completed, or

(ii) if there was no sentence of incarceration, from the sentencing date.

Note: If the individual is convicted again during the waiting period, the waiting period is reset to the most recent conviction.

Additional Requirements/ Pending Cases and Community Supervision:

To be eligible for record sealing, the individual:

1. Cannot be under probation or parole supervision, and
2. No criminal charges are pending in New York State.

What Does It Mean to Be Sealed?:

Once sealed, conviction records, including background checks, will not be available for most civil purposes.

However, convictions sealed by the law can still be accessed::

(a) by law enforcement, prosecutors, and courts;

(b) during the hiring of police and peace officers;

(c) for gun licensing; and

(d) for certain government-regulated jobs, such as:

(i) an entity that is required under state or federal law to conduct a fingerprint-based background check, or

(ii) an entity that is authorized under state or federal law to conduct a fingerprint-based background check where a job applicant would be working with children, the elderly or vulnerable adults.

Note: If you have questions about whether or not your sealed criminal record can be accessed by employers, please contact an expert.

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