

# 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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