



SEALING OLD NEW YORK CONVICTIONS



MANY OLD NEW YORK CONVICTIONS CAN BE SEALED UNDER CLEAN SLATE AND OTHER LAWS

What is Clean Slate?

Clean Slate is a new law in New York that **automatically seals most New York State convictions** after required waiting periods.

What are the waiting periods?

The waiting periods are:

- **Misdemeanors – 3 years with no new convictions**
- **Felonies – 8 years with no new convictions**

Waiting periods begin on the sentencing date of your most recent conviction or the day of release from your most recent incarceration – whichever date is later.

Time spent outside on parole, post-release supervision (PRS), and probation **will** count toward the waiting period.

Time spent in jail or prison for parole, PRS, or probation violations **will not** count toward the waiting period.

Are there exceptions?

All New York State misdemeanors and most New York State felonies are eligible for sealing under Clean Slate. However, there are a few exceptions.

The following types of convictions are not eligible for sealing under Clean Slate:

- Sex offenses
- Sexually violent felonies
- Class A non-drug felonies. Ex: first- and second-degree murder

Even if you have convictions which are ineligible for sealing under Clean Slate, your other eligible convictions will still be sealed.

When will this law go into effect?

The law went into effect in November 2024, but the court system has until **November 16, 2027**, to seal all eligible convictions.

How do I apply?

There is no application. Your convictions will **automatically seal once they become eligible**.

Are there any other ways to clear New York State convictions from my record?

If you have only one or two convictions in New York State, you may be eligible to apply for sealing after a ten-year waiting period with no new convictions. The waiting period starts on the sentencing date for your most recent conviction or the release date from your most recent incarceration – whichever date is later. To be eligible, only one of your New York convictions can be a felony. That felony cannot be a violent felony, an attempted violent felony, or an A felony.

Survivors of labor trafficking, including sex trafficking, can apply to vacate and seal any New York conviction that happened because of your exploitation. Labor trafficking means someone forced, tricked, or coerced you into working or providing services against your will. New York automatically considers you a sex trafficking survivor if you had a prostitution-related conviction before the age of 18.

If you were denied Youthful Offender (“YO”) adjudication even though you were under 19 years old at the time of the offense, you can apply for it again after a five-year waiting period with no new convictions. The waiting period begins on the sentencing date for your most recent conviction or the day of release from your most recent incarceration – whichever date is later. A YO adjudication doesn’t count as a conviction and is treated like a sealed case. Some felonies are excluded from YO consideration.

If you did court-approved substance treatment as part of your sentence and have qualifying convictions, you may be able to have those convictions “conditionally” sealed. “Conditional” means the court can unseal your prior convictions if you are convicted of a new offense.

If you had old New York marijuana convictions for conduct made legal by NY’s cannabis legalization law, those records were expunged in 2023. Expungement is an even stronger form of record clearing than sealing. You can also apply to reduce some old marijuana felonies to misdemeanors.

Who can see my sealed cases?

After sealing, **most employers, landlords, and employment licensing agencies can’t see or ask about the case.** However, there are a few exceptions.

For all types of sealing, the following people or agencies will still be able to see your conviction history:

- You (or someone you choose)
- Courts and law enforcement (including immigration, probation, and child protective services)
- Police and peace officer jobs (including firefighter and school safety agent)
- The military
- Agencies reviewing gun license applications and the FBI during gun background checks

There are additional exceptions for cases sealed under Clean Slate, including:

- Employers and government agencies required or allowed by law to run fingerprint background checks, or that serve children, elderly, or “vulnerable” populations
- The New York State Education Department (NYSED) for employment licensing purposes
- Private transportation employers like Uber and Lyft

What if I’m not sure what’s on my record?

You should **get a copy of your RAP sheet**. LAC can help you get it for free if you live in New York State. You can also visit the NYS Division of Criminal Justice Services website:

www.criminaljustice.ny.gov.

What if I have convictions outside of New York or federal convictions?

New York doesn’t have the power to seal those convictions – but you are still protected by New York’s anti-discrimination laws, and you can still [apply for Certificates of Relief or Good Conduct](#).

What if my convictions aren't eligible for sealing today? What if they will never be eligible?

Call LAC to learn about other options, including:

- Certificates of Relief and Good Conduct
- Gathering "evidence of rehabilitation"
- Laws protecting you from unfair treatment in employment, employment licensing, and housing

You can also visit us at: <https://www.lac.org/major-project/legal-help-for-new-yorkers-with-convictions>.

How can I get free help with sealing and other issues related to my conviction history?

Call LAC at [212-243-1313](tel:212-243-1313). Our legal services are always free.

These FAQs are general information only, not legal advice for your specific situation.



212-243-1313



www.lac.org