



# 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](http://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-workers-with-convictions>.

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

**Call LAC at 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**