

## Are there any other ways to seal criminal convictions?

- ▶ If you are a **survivor of sex trafficking** (when someone used force, dishonesty, drugs or other coercive tactics to encourage prostitution) you can apply to vacate and seal related convictions. For a referral, call the Legal Action Center.
- ▶ If you were **mandated to complete drug treatment** as part of your sentence for a criminal conviction and you have eligible convictions, you may be able to apply to conditionally seal your convictions. For more information, call the Legal Action Center.

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

You can get a copy of your New York State RAP sheet. Visit the Division of Criminal Justice Services (DCJS) website for more information, or call the Legal Action Center at (212) 243-1313 to see if your income qualifies you for our free RAP sheet services.

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

This publication was made possible by grants from the New York City Council, Tow Foundation and New York Bar Foundation.

# SEALING OLD NEW YORK CONVICTIONS

A decorative graphic element consisting of a thick, wavy line in shades of olive green and brown, curving across the top right corner of the page.

**NEW YORK PASSED A LAW IN 2017  
THAT ALLOWS PEOPLE TO SEAL  
UP TO TWO CRIMINAL CONVICTIONS.**

## What is New York's new sealing law?

**Criminal Procedure Law §160.59** allows people who have been convicted in no more than two criminal cases to apply to seal certain New York conviction(s), if it has been at least 10 years since their sentencing or release from jail or prison. Only one of the cases can be a felony.

## Who is eligible to apply for sealing under the new law?

You may be eligible if at least 10 years have passed since you were sentenced on your last conviction (not counting time served in jail or prison) AND:

- ▶ You only have criminal convictions in 1 or 2 cases total.
- ▶ Only 1 of those cases includes felony conviction(s).
  - ▶ If you have more than one conviction that was “committed as part of the same criminal transaction,” that counts as a single conviction.

*Convictions for the following crimes are not eligible to be sealed:*

- ▶ Sex offenses defined in Penal Law Article 130
- ▶ Offenses requiring registration as a sex offender
- ▶ Sexual performance by a child defined in Penal Law Article 263
- ▶ Class A felonies
- ▶ Violent felonies defined in Penal Law § 70.02
- ▶ Felony conspiracy to commit an ineligible offense
- ▶ Felony attempt to commit an ineligible offense

**NOTE:** Other factors may affect eligibility.

For more information, call the Legal Action Center.

## How do I apply?

To apply for sealing, you must file a motion with the court where you were convicted. You must also serve a copy on the District Attorney. In some cases, a hearing may then be

required. In deciding whether to seal your case, judges will consider factors including what you have done since your conviction(s) and how sealing your conviction(s) will help you.

Forms and instructions for applying under the new law can be found here: [http://www.nycourts.gov/FORMS/cpl\\_160.59\\_sealing\\_application/index.shtml](http://www.nycourts.gov/FORMS/cpl_160.59_sealing_application/index.shtml)

## If my convictions are sealed, who may see or ask about them?

If your application for sealing is approved, your court records will generally be sealed and kept confidential. Most employers will not be allowed to ask about or consider your sealed convictions.

The following people or agencies will be able to see your court record once it is sealed:

- ▶ You (or someone you choose).
- ▶ Agencies carrying out law enforcement duties (including immigration, probation, child protective services and others)
- ▶ Prospective employers for police and peace officer jobs. Most other employers will not see sealed records.
- ▶ Agencies who review your application for a gun license, and the FBI when it runs a background check if you try to buy or possess a gun.

A conviction sealed under this section is still considered a conviction in a future criminal case where a prior conviction enhances a penalty or is an element of the offense charged.