

Record Clearance in New York

Having a criminal record can prevent you from accessing jobs, licensing, housing and educational opportunities long after you have completed your sentence. Getting your record sealed, vacated or expunged can help to lift some of those barriers so that you can fully participate in your community and support yourself and your family. Your past should not define your future.

These are the Current Record Clearance Laws in New York State:

Application-based Sealing, Vacatur and Resentencing

The Main Record Sealing Law: CPL 160.59

You can apply to seal up to 2 convictions total if you:

- Have a maximum of 2 convictions in your lifetime.
- Have a maximum of 1 felony conviction in your lifetime that is not a violent felony, Class A felony or a sex offense.
- Your convictions are more than 10 years old (start counting from when you were sentenced or when you were released from incarceration on your most recent case)
- Have no open cases

The Drug Record Sealing Law: CPL 160.58

You can apply to seal up to four convictions, including one felony if you can show that they were related to a history of drug use and you completed a court-approved drug treatment program.

Marijuana Vacatur or Resentencing

CPL 440.46-a is a new law that allows you to apply to vacate your conviction or reduce your sentence if you were convicted of:

PL 221.25 PL 221.30 PL 221.45 PL 221.50 PL 221.55 IF under 100 lbs.

You may have other options to apply to vacate your conviction under CPL 440. These options are usually used if you have immigration concerns, but consult with a lawyer to see if you have other options.

Automatic Expungement

CPL 160.50(3)(k) Marijuana and Loitering for the purposes of prostitution

These offenses will be automatically expunged. There is nothing you need to do to make this happen:

PL 221.05 PL 221.15 PL 221.35 PL 240.36 PL 222.10 PL 222.25
PL 221.10 PL 221.20 PL 221.40 PL 240.37 PL 222.15 PL 222.45

PL 220.03 o PL 220.06* IF the sole controlled substance was concentrated cannabis

Record destruction may be requested in writing, but could be dangerous and is probably not necessary. Speak with a lawyer before making the request.

Attention Immigrants: If you are not a US citizen, speak with an immigration attorney about your record. The federal immigration courts may still be able to see your record even after it's cleared and you may have to do more things to protect yourself from immigration consequences.

Contact us:

For more information: <https://legalaidnyc.org/case-closed>

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