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The Clean Slate Act

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The Clean Slate Act is a significant legislative effort aimed at helping individuals with past criminal convictions overcome barriers to employment, housing, and education. Here's a detailed overview of the act and its implications:

Purpose and Impact

- The Clean Slate Act is designed to automatically seal certain felony and misdemeanor records, helping individuals with past convictions move forward without the stigma associated with a criminal record.
- Sealing these records can enhance opportunities for employment, housing, and education, contributing to better self-sufficiency and reducing the likelihood of reoffending.

Automatic Sealing Process

- **Eligibility:** The sealing process is automatic, meaning individuals do not need to apply for their records to be sealed. The Office of Court Administration will handle the process.
- **Timeline:** The law takes effect in November 2024, with all eligible records expected to be sealed by November 2027.

Basic Eligibility Requirements

- **Waiting Periods:**
 - Misdemeanor convictions and "Driving While Ability Impaired by Alcohol" convictions require a three-year waiting period from sentencing or release from incarceration, whichever is later.
 - Felony convictions require an eight-year waiting period from sentencing or release from incarceration, whichever is later.
- **Community Supervision:** Completion of any community supervision is required.
- **No New Convictions:** There must be no new convictions during the waiting period.
- **No Pending Charges:** There must be no pending charges at the time of eligibility.

Exclusions and Special Circumstances

- **Excluded Convictions:** The Clean Slate Act does not apply to sex offenses, Class A felonies (except for drug possession and sale), and out-of-state or federal convictions.
- **Convictions During Waiting Period:** If convicted of another crime during the waiting period, the waiting period restarts.
- **Post-Sealing Convictions:** New convictions after a record has been sealed do not affect the sealed status.
- **Probation/Parole Violations:** Violations resulting in reincarceration restart the waiting period; if no reincarceration occurs, the accrued waiting time remains intact.
- **Completion of Supervision:** Eligibility for sealing is confirmed once probation or parole is completed, even if the waiting period is already met.

Access to Sealed Records

- **Law Enforcement and Legal Authorities:** Sealed records remain accessible to law enforcement, attorneys involved in criminal cases, judges, and court officials.
- **Firearms License Background Checks:** Agencies conducting these checks will have access to relevant records.
- **Department of Motor Vehicles:** Driving-related convictions will remain visible.
- **Specific Employment Background Checks:** Sealed records can still be accessed for jobs involving vulnerable populations, positions requiring fingerprint background checks, roles within the New York State Education Department, transportation companies like Uber or Lyft, and law enforcement positions.

Additional Information

- **Unlimited Sealing:** There is no limit to the number of convictions that can be sealed under the Clean Slate Act.
- **Alternative Sealing Process:** Individuals can still apply for record sealing under Criminal Procedure Law 160.59, which remains an available option.

This comprehensive approach aims to balance the need for public safety and the fair treatment of individuals who have served their time, providing a pathway to more opportunities and a better quality of life.

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