

# New York's New Sealing Law (CPL 160.59)

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## Who is eligible?

- Under the new sealing law, which goes into effect October 7, 2017, individuals who have been convicted of up to two crimes\* may be eligible to have their convictions sealed.
- You are **not** eligible if more than one of your criminal convictions is a felony.\*

\* Note: if you were charged and convicted of multiple crimes during one incident, the court may choose to consider those multiple convictions as one incident or conviction when considering your application.

- You are **not** eligible if either of your convictions falls into the categories below:
  1. Sex Offenses
  2. Sexual Performance by a Child
  3. Homicide
  4. Violent Felony Offenses
  5. Class A Felonies
  6. Conspiracy to Commit #1-5 above
  7. Attempt to Commit #1-5 above if the Attempt is a Felony
  8. Offenses that Require Registration as a Sex Offender (SORA).

## When can I become eligible?

- Individuals who meet the criteria for sealing will be eligible beginning ten years after their most recent conviction or release from incarceration, whichever was most recent.

## Who makes the decision on my application?

- The judge who sentenced you on your most serious conviction

## What factors will the judge take into account?

- Any objection from the District Attorney
- Any statement from the “victim” of your offense

- The time that has passed since your most recent conviction
- The circumstances and seriousness of your conviction
- “Evidence of rehabilitation,” meaning proof of positive change and strides you have taken since the conviction took place. This can include:
  - Diplomas or certificates
  - Letters of reference or recommendation, especially letters written specifically for this motion
  - Certificate of Relief from Disabilities or Certificate of Good Conduct
  - Licenses for trades or occupations that you have earned
- The impact that sealing would have on your rehabilitation and reentry
- The impact that sealing would have on public safety and public confidence and respect for the law

**Who can see my sealed cases?**

- Any law enforcement agency, if you are the subject of a law enforcement investigation or are applying for a firearm license or a law enforcement job
- The prosecutor and judge, if you become involved in another criminal case

**Can CSS help me figure out if my cases are eligible for sealing?**

- Yes. The Next Door Project staff will review your rap sheets to determine your eligibility, and if you are eligible, our attorneys may be able to assist you with your application.

**Questions?** Call CSS at (212) 614-5441 and leave us a message (please state the reason for your call). We will return your call promptly, and discuss how we may be able to assist.

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