



October 8, 2019

Contact:

Redmond Haskins
The Legal Aid Society
rhaskins@legal-aid.org
(929) 441-2384

*****FOR IMMEDIATE RELEASE*****

***LEGAL AID CALLS ON ALBANY TO ENACT AUTOMATIC
EXPUNGEMENT LEGISLATION ON TWO YEAR ANNIVERSARY
OF SEALING LAW***

***ONLY 1,758 NEW YORKERS – OUT OF ROUGHLY 600,000
ELIGIBLE – HAVE USED NEW SEALING LAW SINCE OCTOBER
2017 IMPLEMENTATION TO DEFEND AGAINST
EMPLOYMENT, HOUSING, AND OTHER FORMS OF
DISCRIMINATION***

(NEW YORK, NY) – The Legal Aid Society urged Albany to immediately pass automatic expungement legislation today in response to [data](#) released by the New York State Division of Criminal Justice Services (DCJS) revealing that only 1,758 individuals – out of an estimated 600,000 eligible – have capitalized upon a law implemented in October, 2017 to seal dated criminal records to defend against employment, housing, and other forms of discrimination.

This law, CPL 160.59, allows people who have been convicted in no more than two cases (only one of which can be a felony case) to apply to seal certain conviction(s) from New York, if it has been at least 10 years since their sentencing or release from jail or prison. Only certain convictions are eligible for sealing, and there are other requirements as well. The law allows only for sealing and not expungement, which means that records are hidden from public view but they can still be accessed by certain agencies and the court records themselves are not destroyed.

Expungement is a remedy far more robust than sealing. It means that the court records no longer exist and are usually destroyed along with DNA, fingerprints and other related records. A person with a sealed case still has a record but does not have to disclose it, whereas a person with an expunged case doesn't have a record any more.

New York enacted its first ever expungement law covering some marijuana offenses earlier this year. Public defenders and many others agree that it is a step in the right direction. However, statute must be expanded to create automatic expungement for more offenses; otherwise, the numbers will continue to be unacceptably low.

CPL 160.59's limit of two convictions in a person's history that can be sealed excludes the vast majority of people affected by the racially and economically disparate system of over-policing that has plagued communities around the state for decades. The lengthy and complicated application process is also a significant factor in discouraging people from applying. States around the country are moving towards automatic expungement because it is recognized that a huge percentage of the people who are eligible do not actually enjoy the benefit if the law places on them the burden of applying. New York needs to follow in the footsteps of states like California, Pennsylvania and Utah that have large-scale automatic sealing and expungement laws.

“As well intentioned as this law may be, few individuals know about it and have taken advantage of it,” said **Emma Goodman, Attorney with the Case Closed Conviction Sealing Project at The Legal Aid Society**. “New York is far behind other states both because it does not automatically expunge dated records and it only allows relief for people who have two total convictions in their entire lives, despite such records routinely denying people access to employment, housing, and critical services. It's time for Albany to finally right this injustice by enacting expungement legislation immediately next session.”

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>