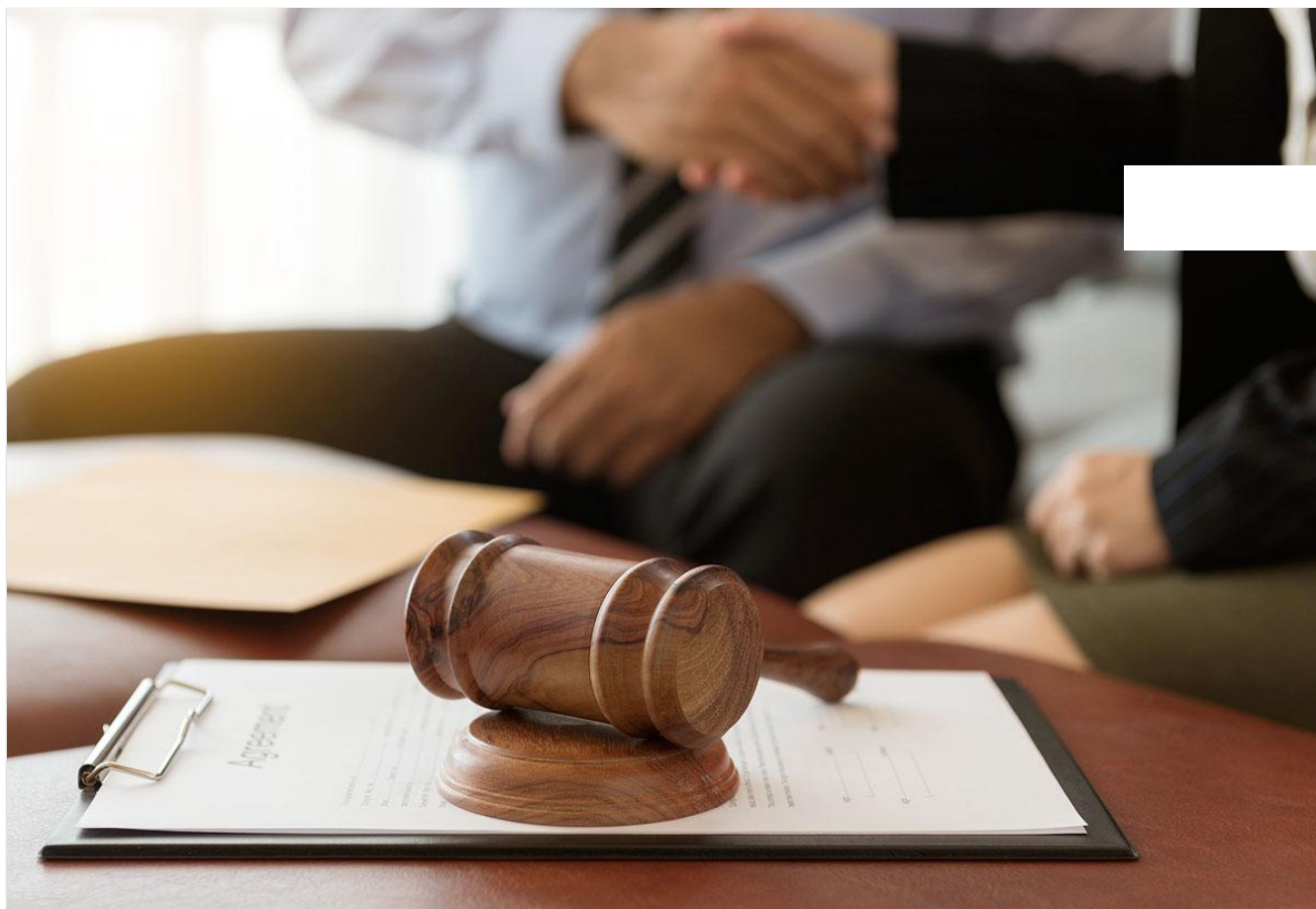


New law allows New Yorkers with old convictions to seal records

BY SHAYNA JACOBS

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The statute, CPL 160.59, gives candidates with eligible convictions that are at least a decade old the ability to apply for permanent sealing. (UTAH778/GETTY IMAGES/ISTOCKPHOTO)

People with old convictions who can prove themselves reformed will have a chance at having their cases sealed, under a new state law.

The statute gives candidates with eligible convictions — up to one felony and no more than two crimes total — that are at least a decade old the ability to apply for permanent sealing.

Sex offenders and felons whose acts were considered violent won't be approved for consideration under the law that kicks in Oct. 7.

District attorneys have 45 days to notify the court whether they expect to challenge a sealing request. The decision on whether to seal is ultimately at the discretion of the sentencing judge, who can consider the candidate's character and even order a hearing.

Prosecutors in Manhattan and Brooklyn have assigned teams to field inquiries and sort through what is expected to be a surge of applications. Both offices say they are supportive of the progressive measure.

A spokeswoman for Manhattan DA Cyrus Vance Jr. said her office does "not anticipate having to challenge the sealings, except on rare occasions."

"An old conviction for a minor or a nonviolent offense should not hold people back from moving on with their lives," added acting Brooklyn DA Eric Gonzalez.

Defense lawyer Stacey Richman is coordinating with court administrators and clerks on behalf of the New York City Bar Association to discuss putting into place "a practical system to efficiently review applications for sealing."

Richman said it's "an advancement for our state to finally recognize that past errors should not confine people to the fringes of society."

Sealing, she added, "recognizes the value of individual advancement beyond a past transgression — our prior system of a scarlet 'C' for conviction failed to provide for the logic of actual rehabilitation."

Former Manhattan Assistant District Attorney Eric Arnone, now a defense lawyer, is already getting calls from interested candidates.

Arnone believes the response citywide will be remarkable once word of the legislation spreads.

"You're talking about anybody who was convicted over 10 years ago of an eligible offense," the lawyer said. "That could potentially be tens of thousands of cases."

The Legal Aid Society expects to pursue a handful of cases at first and — through a Brooklyn pilot initiative — will determine how it might help a large number of clients obtain sealing orders.

Melissa Ader, of the Legal Aid's employment law unit, said that the sealing statute will go a long way to helping New Yorkers get "a fair chance at finding a job."

Ader said that while employers are barred from using a person's convictions against them in making a hiring choice, the illegal practice is commonplace.

Convictions that are sealed under the new statute should be impossible to find for any private employer, although the NYPD will still have access to the sealed data.

"Really the best way for a New Yorker to have a fair chance at finding a job is for an employer to not know about that conviction," Ader said.

Lawyer Jeremy Saland expects to file for at least one client next month and has gotten about a dozen calls in the past six to eight weeks from others who are interested.

He said the future sealings have the potential to be life-changing.

"I think it's a tremendous opportunity for people who have paid their dues and have been burdened with the scarlet letter for a decade or more to relieve themselves of a past mistake," Saland said.

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