

Clean Slate Act to help people back into work

Criminal records can be sealed years after release

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It's been close to three years since New York lawmakers approved the legalization of recreational cannabis, but lawmakers have been pondering a way to allow those with misdemeanor and felony charges to get back into the workforce in much the same way it did when recreational cannabis was first approved.

Legislation signed into law by former Gov. Andrew Cuomo in 2021 resulted in thousands of criminal records being expunged and the floodgates opening for thousands more to start legally producing and selling cannabis here in New York.

In instituting this change in state regulation, New York's lawmakers saw an opportunity to help those whose livelihoods have been damaged through cannabis-related incarceration, now expunged of minor cannabis-related offenses.

Veterans and those incarcerated for former crimes like low-level cannabis possession before its legalization had opportunities for employment or business ventures, including early access to licensed recreational sales through the state Office of Cannabis Management's Cannabis Adult Use Recreational Dispensary licensing.

Signed into law in November, the Clean Slate Act will do much the same for New Yorkers with eligible misdemeanor convictions, sealing their criminal record 3 years following their release and people with certain felony charges, after 8 years.

People with convictions cannot reoffend during this time, or that period restarts. This new system will take effect in November, officials said.

Many state Republicans have taken a stance against the law, including Assembly Minority Leader Will Barclay, who in a statement, called the law "ill-conceived," and stated that it goes too far.

"Convictions for violent crimes and felonies like manslaughter, burglary, attempted murder and gang assault will now be automatically sealed, without input from prosecutors, judges or crime victims," Barclay said.

"The new law effectively prevents prospective employers, landlords, roommates and others from accessing criminal records and critical information about an individual's past. While second chances are important, so too is the ability to make informed decisions based on complete information."

Criminal records would not be expunged due to the Clean Slate Act, like in the case of the state's cannabis legislation, but instead, sealed from background checks except for crimes not covered by the act.

The sealing of criminal records under the Clean Slate law does not affect law enforcement agencies, courts, district attorney offices or employers that require a fingerprint-based background check because they work with children, adults who are elderly or have disabilities, or otherwise vulnerable people.