

## **GOVERNOR HOCHUL SIGNS THE CLEAN SLATE ACT INTO LAW**

### **Messaging Guidance, [Sample Social Media Posts](#), & [FAQ](#)**

On Thursday, November 16, 2023, Governor Hochul signed the Clean Slate Act into law — changing the lives of millions of New Yorkers.

Clean Slate is about supporting our business community, making New York safer, fighting poverty, investing in re-entry, decreasing recidivism, and combating racial discrimination. **Governor Hochul believes Clean Slate will spur our economy, make our communities and families safer, and allow New Yorkers to reach for their dreams — that’s why she signed it into law.**

**At a time when New York’s post-pandemic economy is surging, the Clean Slate Act will expand economic opportunity to thousands of New Yorkers. Every store, restaurant, and hotel has a “help wanted” sign in the window – and Clean Slate will help fill the 460,000 job openings in New York. That’s why economic powerhouses like the Partnership for New York City and the Business Council of New York are all in for Clean Slate!**

**Clean Slate is a common sense change that’s good for our business community, supports our families and communities, and makes New Yorkers safer.**

It does so by giving certain individuals who had previously been involved in the criminal justice system the opportunity to fully access employment, housing, and education – once they’ve paid their debt to society – by sealing records for civil purposes. That’s why it has [unprecedented support from across the state](#), including members of law enforcement, labor unions, faith-based groups, lawyers, local and county governments, health and recovery advocates, and more.

This is an exciting moment for New York – but we know the opposition will be vocal. That’s why it’s critical to remember what the Clean Slate Act does *not* do. The Clean Slate Act only applies to those who have paid their debt to society and successfully completed a waiting period without additional convictions. Sex offenses and non-drug Class A felonies, like murder, domestic terrorism, and other serious crimes are not eligible for sealing.

And, Clean Slate only seals records for civil purposes, meaning it doesn’t restrict law enforcement’s access to records. **Law enforcement will always have access to the information it needs to keep New Yorkers safe. And courts will have access to the information, too, which allows them to see the past records when issuing orders of protection and keeping survivors of domestic violence safe.**

With Governor Hochul’s action, she’s making New York the 12<sup>th</sup> state in the nation to enact clean slate legislation. It’s been passed in states with Republican leaders and Democratic leaders. Law enforcement, business leaders, and criminal justice advocates agree: The Clean Slate Act is right for New York.

New Yorkers need jobs and employers need workers. Clean Slate will help New York’s economy, and the state’s largest employers and labor unions support it.

- Shutting workers with old convictions out of the labor market costs as much as \$87 billion in lost GDP annually. Those with a conviction record [lose](#) nearly \$500,000 in earnings throughout their lifetime.
- New York’s economy as a whole loses out if we create barriers to jobs. [The Brennan Center](#) estimates that New York misses out on approximately \$12.6 billion in lost wages every year due to reduced earnings related to a conviction record.
- A recent [study](#) found that within one year of clearing their records under a Michigan law, people are 11% more likely to be employed and earn 22% higher wages.
- Individuals who cleared their records under this Michigan law were less likely than members of the general public to commit crimes in the 5 years after clearance.

**Join advocates from across the state and nation to show your support for Governor Hochul’s action to sign the Clean Slate Act into law!**

Thank you for supporting the New York Clean Slate Act! Please see below for sample social media posts and graphics showing your support for this historic law:

Clean Slate unites business leaders, law enforcement, and advocates with a common goal: providing a second chance to millions of New Yorkers. Thank you for signing #CleanSlateNY into law, @GovKathyHochul!

WORKING TOGETHER WE WIN!

Right now, New Yorkers miss out on ~\$12.6 billion in lost wages every year due to reduced earnings related to a conviction record.

With @GovKathyHochul signing #CleanSlateNY into law, that begins to change!

It's a win for our communities \*and\* our economy.

Today @GovKathyHochul has signed #CleanSlateNY into law. This is a HUGE WIN for justice & equal opportunity in our state!

Clean Slate will help millions of New Yorkers access jobs, housing, and education.

Shareable graphic:

[https://www.dropbox.com/scl/fi/srmuisvquk6qwx2fetozg/Social-Graphics\\_CleanSlateAct\\_V2\\_1080x1080.jpg?rlkey=6u0er6i0irybri056erhyyqvq&dl=0](https://www.dropbox.com/scl/fi/srmuisvquk6qwx2fetozg/Social-Graphics_CleanSlateAct_V2_1080x1080.jpg?rlkey=6u0er6i0irybri056erhyyqvq&dl=0)



## FAQ

### 1. How will Clean Slate help our economy?

- € New York State loses money when people with conviction records are kept out of its economy, and employers miss out on a broad and talented applicant pool.
- € The Brennan Center estimates that New York misses out on approximately \$12.61.9 billion in lost wages every year due to reduced earnings related to a conviction record. One study found that people who serve time in prison lose an average of \$484,400 in earnings over their lifetime. These lost earnings entrench poverty and worsen economic disparities.
- € As Governor Hochul says, the most effective crime-fighting tool is a job. Individuals who can work and support their family have a greater chance of successful reentry and decreased rates of recidivism.

### 2. Is everyone eligible for Clean Slate?

- € No. Those who commit the most serious crimes, including sex offenders, are not eligible for Clean Slate.
- € The goal of Clean Slate legislation is to allow those who have repaid their debt to society to live productive lives. That supports our communities, our economy and our families.

### 3. How will this bill make New Yorkers safer?

- Clean Slate improves public safety. Today, when a person successfully completes their sentence, they return to their community only to find that they're often barred from stable housing and jobs. That hurts families and communities and increases the risk of recidivism.
- Allowing people who have paid their debt to live productive lives makes us all safer. A study in Michigan found those who had their records cleared under a Clean Slate Law were less likely than members of the general public to commit crimes.
- This only seals records in civil instances (housing, and employment). To be clear: law enforcement and courts will still have access to information needed.

### 4. Will law enforcement still be able to access records?

- € Law enforcement will always have access to the records it needs to keep New Yorkers safe. Records will remain accessible for law enforcement and courts. And records will not be sealed for the criminal legal system.
- € Records will also remain available for jobs that with additional clearance requirements under state or federal law, the Department of Motor Vehicles for disclosure for driving-related licenses and jobs, and gun licenses, among other exceptions.
  - **Law enforcement, prosecutors, and the courts:** Records will not be sealed for the criminal legal system. Police, prosecutors, defense counsel, judges, and court officials will continue to have access to sealed records. Biometric information, including palmprints, fingerprints, photographs and retina scans will remain accessible for law enforcement and prosecution purposes.
  - **Hiring of police and peace officers:** Any prospective employer of a police or peace officer will have access to sealed records.
  - **Gun licenses:** Local, state, and federal agencies and officers conducting background checks for firearm licenses will have access to sealed records.
  - **The Department of Motor Vehicles (DMV):** The DMV will have access to driving-related sealed records.

- **Employment and licensing with heightened background check requirements:** Sealed records will remain available to entities that are allowed to run fingerprint-based background checks for work with vulnerable populations, like children, the elderly, and people with disabilities, and to any entity mandated by law to consider sealed records or run fingerprint-based background checks. Recent additions to this exception include:
  1. **The New York State Education Department (NYSED):** Sealed records will be accessible for purposes including hiring in public, private, and religious schools, specified disciplinary proceedings and background checks in enumerated occupations and licenses it oversees.
  2. **Private transportation companies like Uber and Lyft:** Sealed records are accessible for employment purposes.

## 5. What about work with vulnerable people?

- ⊘ Clean Slate is designed with the protection of vulnerable populations in mind. Sealed records will remain available to entities that are allowed to run fingerprint-based background checks for work with vulnerable populations, like children, the elderly, and people with disabilities, and to any entity mandated by law to consider sealed records or run fingerprint-based background checks.

## 6. Why must sealing happen automatically?

- ⊘ Governor Hochul worked with the legislature to ensure this law applies to individuals who do not pose a public safety threat. Since individuals convicted of murder, sex offenses, domestic terrorism, and other serious crimes are not included, automatic record sealing can be implemented in a safe way.
- ⊘ When people can't get jobs, they are more likely to reoffend and turn to crime. By making the sealing process automatic, we ensure that people are not barred from jobs or housing opportunities because they can't afford a lawyer or struggle to navigate a bureaucratic process.
- ⊘ New York has had an application-based law in effect for over three years. In that time, less than 0.5% of the estimated eligible individuals have had their records sealed. The process is burdensome, often requires an attorney, and wastes court resources. This critical relief should not depend on the ability to afford legal counsel or navigate bureaucratic hurdles. Automation ensures that all eligible people benefit.

## 7. Who is eligible for Clean Slate?

- ⊘ Only those who have paid their debt to society and have remained crime-free are eligible. Sex offenders and people who have committed serious crimes, like murder, domestic terrorism and other severe infractions, are NOT eligible.
- ⊘ For those who are eligible, convictions will be sealed under Clean Slate after a waiting period of eight years for a felony and three years for a misdemeanor, and completion of community supervision. If a person is convicted of another crime, their records will not be sealed.
- ⊘ Once records are sealed, they can still be seen by law enforcement, courts, jobs that require federal background checks and some licensing and clearance agencies. They wouldn't, however, be seen for many job applications or housing applications, allowing those who have served their sentences to move forward.