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Reentry and the Collateral Consequences Of
The Criminal Process in New York State

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*Much of the information in this guide is adapted from “The Consequences of Criminal Proceedings in New York State, A Guide for Criminal Defense Attorneys and Other Advocates for Persons with Criminal Records,” Copyright 2000-2007 by The Bronx Defenders*
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- **Introduction**

  This manual seeks to provide the basic information regarding some of the many consequences of the criminal process system in New York. Its goal is to provide an overview of what you will find on LawHelp.org’s new topic area, *Consequences of Criminal Proceedings,* “Know Your Rights” tab and to provide a more accessible guide to some of the many consequences that the criminal justice system may have on individuals.

- **What is Reentry? And, what are Collateral Consequences?**

  The term “reentry” is used by many public interest attorneys, practitioners, and advocates to refer to the various issues linked to the transition of people who have finished serving their time in prison and are released into society. Related to reentry are the “collateral consequences,” a popular label commonly used to describe the legal, social, and economic barriers to an individual’s reentry into his or her community.

  Although many individuals released from prison or jail leave with the hope of a fresh start, these barriers may make it extremely difficult for the individual to reintegrate, and can be so severe as to feel like the continuation of a prison sentence. Therefore, it is important to understand these collateral consequences at both ends of the criminal process system — at the beginning of the criminal process when an individual has been arrested, charged, and perhaps considering accepting a plea bargain, and at the other end where the individual is being released from prison and deciding how to move forward. It’s equally important to consider the consequences of relatively minor charges and convictions for which no time is served — even a mere arrest may result in collateral consequences!

  Collateral consequences have been described as “invisible punishment,” “[u]nseen and often devastating . . . largely hidden and unspoken . . . until it is too late.” One of the reasons why these collateral consequences are problematic is because they are not set forth in the New York criminal law and labeled as specific punishments that necessarily attach to certain crimes. Therefore, they are not often explained, as prison terms and parole eligibility typically are, as part of the direct consequences of criminal convictions. Instead, these collateral consequences are found scattered throughout New York and federal civil laws, making them more difficult to find and understand.

  Under the new topic area *Consequences of Criminal Proceedings* you will find information and materials geared towards helping you understand these consequences and strategies for preventing or overcoming them. Subtopics covered include: If You or Someone You Know is Arrested, Civic Participation (which includes information regarding voting rights and jury service), Employment, Family, Financial Impact, Housing, Immigration, Criminal Records, and Certificates of Rehabilitation.

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2 *Id.* at 331.
3 There are many different types of plea bargains. For a description of plea bargains see JOHN COMM., CRIMINAL JUSTICE SYSTEM HANDBOOK, available at http://www.nycourts.gov/litigants/crimjusticesyshandbk.shtml (“[T]he prosecutor may ask that you plead guilty in exchange for his or her promise to recommend to the judge that a particular sentence be imposed… [Other times] the prosecutor may offer to allow you to plead guilty to a less serious offense than the one with which you are charged.”).
6 Campfield, supra note 5, at 9.
If You or Someone You Know is Arrested

What Generally Happens When You Are Arrested?

Police officers are allowed to arrest you if they have probable cause to believe that you
committed an offense.8 Violations, misdemeanors, and felonies are the three main types of offenses
which can result in imprisonment or payment of fines.9 A violation is the least serious of the three and
can result in imprisonment of no more than fifteen days.10 A misdemeanor can result in imprisonment
of up to one year,11 and a felony is the most serious carrying with it no limit on the amount that can be
imposed.12 In New York, only felonies and misdemeanors are considered crimes.13

Once you are in the custody of the police, you will be handcuffed and searched. The officers are
entitled to take personal property, any contraband (anything prohibited by law) or evidence of the crime
(including proceeds of the crime and anything that may tie you to the crime).14 Remember that anything
you say may be used against you in later court proceedings, so it is best to ask for an attorney. You have
the right to one and, even if you are unable to afford to hire your own attorney, the court will appoint
one to you free of charge.

You will be transported to the local police station. If you are charged with a less serious crime,
the officer may give you a Desk Appearance Ticket (referred to as a “DAT”), which releases you from
police custody. It also provides the time and location where you must appear in court to learn what
charges are being brought against you. This court proceeding is called an arraignment.15

If the officer decides you should be charged with a more serious crime, you will be held in jail
for approximately twenty-four hours. During this time, you will be brought to a place often called
“Central Booking” where you will be fingerprinted and photographed.16 A fingerprint report, more
commonly referred to as a “rap sheet” is generated which documents your criminal history.17 Also
during this time, the prosecutor meets with the arresting police officer to decide whether or not there is
enough evidence against you. If he or she decides that there is not enough evidence to convict you,
you will be released; otherwise, you will be brought to the court for arraignment.18

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8 See N.Y. CRIM. PROC. LAW §§ 120.20, 140.05 (2007); JOINT COMM., supra note 4 (providing a thorough handbook on how
the criminal justice systems works in New York State); N. Y. County Dist. Attorney’s Office, Arrest to Sentence Narrative,
detailed description of what to expect if you are arrested in New York City).
9 See N.Y. PENAL LAW § 10.00(1) (2007).
10 See id. § 10.00(3) (2007).
11 See id. § 10.00(4) (2007).
12 See id. § 10.00(5) (2007).
13 LAURIE PARISE, KNOW YOUR RIGHTS: UNDERSTANDING JUVENILE & CRIMINAL RECORDS AND THEIR IMPACT ON
EMPLOYMENT IN NEW YORK STATE (2005), available at
14 See N. Y. County Dist. Attorney’s Office, supra note ; Legal Aid Soc’y, supra note .
15 See N.Y. CRIM. PROC. LAW § 150.10 (2007); New York County District Attorney’s Office, supra note 8; JOINT COMM.,
supra note 4.
16 N.Y. CRIM. PROC. LAW § 160.10 (2007)
17 JOINT COMM., supra note 4; see also N.Y. CRIM. PROC. LAW § 160.30 (2007)
18 JOINT COMM., supra note 4.
At your arraignment, you will be brought before a judge and you will learn what charges are being brought against you.\textsuperscript{19} The prosecutor will also have the chance to ask the judge to keep you in jail (this is called \textit{remand}) or order \textit{bail} (cash or bond posted by you so as to guarantee that you will return to court on the scheduled date).\textsuperscript{20}

\begin{itemize}
\item \textbf{Civic Participation (Rights to Vote, Serve on Jury, & Run for Public Office)}
\end{itemize}

Civic participation is a term used to label the opportunities available to citizens to participate in the democratic process. It includes the right to vote, serve on a jury, and run for public office. While your right to vote is lost if you are convicted of a felony and are sentenced to a term of actual imprisonment, you automatically regain the right to vote once your sentence is complete (including completion of supervision or parole). Your right to vote is not affected if you are in jail awaiting trial or on a misdemeanor conviction.

\section*{Voting Rights}

\begin{itemize}
\item \textbf{When do you lose your right to vote?}
\begin{itemize}
\item If you have been convicted of a felony under state or federal law and are \textit{currently carrying out your time in prison or on parole}, you are not allowed to vote.\textsuperscript{21}
\item If there was no sentence of imprisonment, or if the sentence has been suspended, then you may vote.\textsuperscript{22}
\end{itemize}
\item \textbf{If I have been convicted of a misdemeanor or violation, do I lose my right to vote?}
\begin{itemize}
\item No.\textsuperscript{23}
\end{itemize}
\item \textbf{If I have been convicted in another state, do I lose my right to vote?}
\begin{itemize}
\item If the conviction would have amounted to a \textit{felony in New York} then the same rules apply.\textsuperscript{24}
\end{itemize}
\item \textbf{If I have been convicted of a felony, can I get my right to vote back?}
\begin{itemize}
\item Yes.
\begin{itemize}
\item Your right to vote gets \textit{automatically} returned to you as long as you are not currently serving time in prison or on parole.\textsuperscript{25}
\end{itemize}
\item Under New York law, individuals with felony convictions may also get their right to vote back if they are pardoned by the President of the United States (in cases of \textit{federal} felony convictions) or the Governor of New York (in cases of \textit{state} felony convictions).\textsuperscript{26}
\end{itemize}
\end{itemize}

\begin{footnotes}
\item[19] Id.
\item[20] Id.; New York County District Attorney’s Office, \textit{supra} note 8.
\item[22] Id. § 5-106(5) (2007).
\item[23] Id. § 5-106 (2007).
\item[24] Id. § 5-106 (4) (2007).
\item[25] Id. § 5-106(2)-(3) (2007).
\item[26] Id.
\end{footnotes}
However, these are very rarely granted.\textsuperscript{27} The Executive Clemency Bureau, which is within the Division of Parole, screens candidates for eligibility requirements.\textsuperscript{28}

- **How do I get my right to vote back?**
  - You must **register to vote**. (Please see below, “How do I register to vote?”).
  - You **will not need any special documentation** regarding your criminal convictions and you will not need to discuss your criminal history because the right to vote is automatically restored as described above.

- **If I am on parole and not incarcerated, is there any way that I can still vote?**
  - Yes. If you are granted a Certificate of Relief from Disabilities or Certificate of Good Conduct, you may be able to register to vote.\textsuperscript{29}
  - To find out more about obtaining a Certificate of Relief from Disabilities please see the section on Certificates of Rehabilitations.

- **How do I register to vote?**
  - Please see Appendix, “Voter Registration,” or log on to the New York State Board of Elections website at: http://www.elections.state.ny.us and click on the tab titled “Voting.”

**Jury Service**

- **If I have been convicted of a felony, can I still serve on a jury?**
  - No.\textsuperscript{30}
  - Note that if you have been convicted of a misdemeanor or violation you may still serve on a jury.

- **Will a Certificate of Relief from Disability or Certificate of Good Conduct restore my ability to serve on a jury?**
  - Yes. These Certificates **may** restore your ability to serve on a jury, but since they can be limited in the amount of rights they restore you must request that this right be given back to you on your application.\textsuperscript{31}

- **If I have been convicted of a misdemeanor and I served a jail sentence, can I still serve on a jury?**
  - Yes. If you have been convicted of a misdemeanor and serve a jail sentence you may still serve on a jury upon your release.


\textsuperscript{28} LOVE, supra note 27, at NY2.

\textsuperscript{29} CIVIL ACTION PROJECT, BRONX DEFENDERS, THE CONSEQUENCES OF CRIMINAL PROCEEDINGS IN NEW YORK STATE: A GUIDE FOR CRIMINAL DEFENSE ATTORNEYS AND OTHER ADVOCATES FOR PERSONS WITH CRIMINAL RECORDS 35(Jan. 2007) (citing N.Y. CORRECT. LAW § 701 (2007)).

\textsuperscript{30} See N.Y. JUD. LAW § 510(3) (2007); 28 U.S.C. § 1865(b)(5) (2006) (unless “his civil rights have been restored”).

\textsuperscript{31} N.Y. CORRECT. LAW § § 701, 703-a (2007).
Running for Public Office

If I have been convicted of a felony may I run for public office?

- Yes.\textsuperscript{32}
  - However, under New York Law, if you are currently a public officer and convicted of a felony, “or a crime involving a violation of their oath of office,” then you must be removed from your position.\textsuperscript{33}
  - Similarly, judges must be removed from office if they are convicted of a felony, “or any other crime which involves moral turpitude”\textsuperscript{34} and once a judge is removed he cannot hold another judicial office.\textsuperscript{35}

Family

The consequences of criminal proceedings do not only affect the individual who is going through the process. They can often be much more far-reaching. These consequences go beyond the time lost between family members while that person is in police custody or carrying out his or her sentence. In addition to having to work through the issues that may develop between family members because of a relative’s criminal involvement, there are also specific statutory provisions that may affect parental rights and the ability to become an adoptive and/or foster parent.

Adoptive & Foster Parents

Can I still become a foster or adoptive parent, if I have been convicted of a crime?

- It depends on the offense.
- Your application for approval or renewal will be denied if you have a felony conviction
  - \textit{at any time} involving:
    - (1) child abuse or neglect;
    - (2) spousal abuse;
    - (3) a crime against a child, including child pornography; \textit{or}
    - (4) a crime involving violence, including rape, sexual assault, or homicide, other than a crime involving physical assault or battery
  - unless the applicant or the foster parent demonstrates that:
    - (1) denial of the application will create an \textit{unreasonable risk of harm to the physical or mental health of the child}; \textit{and}
    - (2) certification, approval, or renewal will \textbf{not risk the child’s safety and will be in the child’s best interests}\textsuperscript{36}
- Your application for approval or renewal will also be denied if you have a felony conviction
  - \textit{within the past five years} for: physical assault, battery, or a drug-related offense;

\textsuperscript{33} N.Y. PUB. OFF. Law § 30(1)(e) (2007).
\textsuperscript{34} N.Y. CONST. art. VI, § 22(f).
\textsuperscript{35} N.Y. CONST. art. VI, § 22(h).
unless the applicant or foster parent demonstrates that:

1. denial of the application will create an unreasonable risk of harm to the physical or mental health of the child; and
2. certification, approval or renewal will not risk the child's safety and will be in the child’s best interests.37

- Your application for approval or renewal MAY BE denied (meaning it is up to the agency to decide what to do) if
  - You have been charged with or a convicted of a crime other than those listed above;
  - OR
  - You have someone over the age of 18 residing in your home who has been charged with or a convicted of any crime.38

✓ What if someone who lives in my house has been charged or convicted of a crime?
- It is up to the agency to decide whether to approve or renew your application if you have someone over the age of 18 residing in your home that has been charged or a convicted of any crime.39

### Parental Rights

✓ How will my conviction affect my rights as a parent?
- Federal Law requires the State to sue to end your parental rights if:
  - you have “been convicted of certain serious crimes against a child, such as murder, manslaughter, or assault”
  - OR
  - Your child has been in foster care for fifteen out of the last twenty-two months, unless there is a very good (“compelling”) reason not to.40
  - Examples of compelling reasons include where:
    - (1) the child was placed into foster care because that child was determined to be a juvenile delinquent or “person in need of supervision” and a review of the specific facts and circumstances of the child’s placement demonstrated that the goal for the child is to return to his or her parent or guardian or be released to independent living;
    - (2) the child is the subject of a pending abuse or neglect proceeding under the Family Court Act, except where the child is already in the custody of the commissioner of social services as a result of a different court proceeding, and a review of the specific facts and circumstances of the child’s placement demonstrate that the appropriate goal for the child is to be discharged to his or her parent or guardian.

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- (3) the child is **fourteen or older** and **will not consent** to his or her adoption;
- (4) there are **insufficient grounds** for filing a petition to terminate parental rights; or
- (5) the court determines that **adoption is not a goal** of the child’s.

   Also, under New York State Law, a termination proceeding to end your parental rights can be brought if your child has been in foster care either **at least one year** or fifteen out of the last twenty-two months.

**What counts as time in foster care?**

- If you agree to place your child in the care of a responsible adult, that time **does not count** as time spent in foster care and **you will not have to go to court to begin to take care of your child** unless the adult you picked to care for your child refuses to give the child back.
- However, if you agree to a Voluntary Placement Agreement, which takes custody of your child from you and gives it to the local child welfare office or the Department of Social Services, **that time does count** as time in foster care.
- Remember, that even if you are in prison, you are still required to make an effort to remain in contact and look out for your child. **If six months of no contact go by, your child may be considered abandoned.**

### Financial Impact (Education, Public Benefits & Penalties)

In addition to the loss of income that may result from an individual’s criminal involvement due to time spent incarcerated, or loss of a job, specific statutory restrictions also may limit an individual’s ability to receive public benefits and welfare, including federally provided financial aid for educational purposes.

#### Education

- **If I have been convicted of an offense, am I still allowed to get financial aid?**
  - It **depends** on the offense.
  - If you were convicted of any offense under federal or state law involving “the possession or sale of a controlled substance” while you were also receiving any federal grant, loan, or work assistance, then you are **not eligible** for any of that financial aid for a certain amount of time.
  - A controlled substance is a drug (including marijuana).

- **How do I determine when I am allowed to get financial aid again?**
  - You can use the chart listed below to figure out when you will be allowed to receive financial aid. The amount of time begins to run from the date of conviction.
<table>
<thead>
<tr>
<th>What type of offense were you convicted of?</th>
<th>How many times have you been convicted of this offense?</th>
<th>Then, you are not allowed to receive financial aid for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of a Controlled Substance</td>
<td>1</td>
<td>1 year</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2 years</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>You are no longer allowed to receive this Federal aid</td>
</tr>
<tr>
<td>Sale of a Controlled Substance</td>
<td>1</td>
<td>2 years</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>You are no longer allowed to receive this Federal aid</td>
</tr>
</tbody>
</table>

- If my eligibility has been suspended is there any way to resume eligibility without having to wait for the one or two years to end?
  - Yes. There are two ways for a student to resume eligibility. If:
    1. the student satisfactorily completes a drug rehabilitation program that (i) complies with certain criteria and (ii) includes two unannounced drug tests; or
    2. the conviction is reversed, set aside, or made invalid.48

- The Hope Tax Credit also is unavailable to students and their families if the student “has been convicted of a Federal or State felony offense consisting of the possession or distribution of a drug before the end of the taxable year.”49

Public Benefits & Welfare

- Is there a lifetime ban on receiving welfare if I have been convicted of a crime?
  - It depends on the type of offense.
    - Drug-related offenses
    1. A drug-related felony conviction is any offense that includes “the possession, use, or distribution of a controlled substance.”50

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48 20 U.S.C. § 1091(r)(2) (2006). The rehabilitation program must satisfy one of these criteria: (1) Has received or is qualified to receive funds directly or indirectly under a Federal, State, or local government program; (2) Is administered or recognized by a Federal, State, or local government agency or court; (3) Has received or is qualified to receive payment directly or indirectly from a Federally- or State-licensed insurance company; or (4) Is administered or recognized by a Federally- or State-licensed hospital, health clinic or medical doctor. 34 C.F.R. § 668.40 (2007).
50 CIVIL ACTION PROJECT, supra note 29, at 35.
In New York, **people who have been convicted of a drug-related offense are allowed to receive federal benefits**. If you are considering moving to another state, however, it is important to be aware that in other states people with similar convictions are banned from receiving federal benefits. This difference is because federal law allows states to **permanently ban** anyone with any **drug-related felony conviction** from receiving certain benefits.

- The benefits that are banned are **federal cash assistance** (benefits provided under Temporary Assistance for Needy Families (referred to as “TANF”)) and **Food Stamps**.
- Federal law gives states, the opportunity to disregard this lifetime ban. So there are other states, in addition to New York, that have opted out of the ban.

- **FRAUD & OTHER INTENTIONAL PUBLIC BENEFIT PROGRAM VIOLATIONS**

  - If you are found through an **administrative hearing** to have **committed an intentional public assistance program violation** (know as an “IPV”) or **food stamp intentional program violation** (FS-IPV), then **you are not allowed to receive public assistance** for a certain amount of time.
  - **When am I allowed to get benefits again?** You can use the charts listed below to figure out when you will be allowed to start receiving public benefits again.

<table>
<thead>
<tr>
<th>What type of violation did you commit?</th>
<th>How many times have you committed it?</th>
<th>What was the amount lost?</th>
<th>Then, you are not allowed to receive benefits for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPV</td>
<td>1</td>
<td>$1,000 and under</td>
<td>6 months</td>
</tr>
<tr>
<td>Intentional Public Assistance Program Violation</td>
<td>1</td>
<td>between $1,000 and $3,900</td>
<td>1 year</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>greater than $3,900</td>
<td>1 year &amp; 6 months</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>$3,900 and under</td>
<td>1 year</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>greater than $3,900</td>
<td>1 year &amp; 6 months</td>
</tr>
</tbody>
</table>

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51 Id. at 26.
52 21 U.S.C § 862a(a) (2006).
53 CIVIL ACTION PROJECT, supra note 29, at 25
54 Id. at 25-26.
55 See N.Y. COMP. CODES R. & REGS tit.18, § 359.9(a), (c) (2007); N.Y. Soc. Serv. Law § 145(c) (2007).
56 Id. § 359.9(a)(1)-(4), (c)(1)-(3).
<table>
<thead>
<tr>
<th>What type of violation did you commit?</th>
<th>How many times have you committed it?</th>
<th>Then, you are not allowed to receive benefits for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FS-IPV</td>
<td>1</td>
<td>1 year</td>
</tr>
<tr>
<td>Food Stamp Intentional Program Violation</td>
<td>2</td>
<td>2 years</td>
</tr>
<tr>
<td>- trading food stamps for firearms, ammunition or explosives</td>
<td>3</td>
<td>You will be permanently banned from receiving food stamps</td>
</tr>
<tr>
<td>- convicted for knowingly using, transferring, acquiring, altering, or processing food stamps in violation of the program</td>
<td></td>
<td>You will be automatically and permanently banned from receiving food stamps</td>
</tr>
</tbody>
</table>

- **Can I still get benefits if I am violating a condition of my parole?**
  - If you are **violating a condition of probation or parole, or considered a “fleeing felon”** you are not allowed to receive:
    - federal cash assistance (benefits under TANF);
    - Food Stamps;
    - Social Security Income (referred to as “SSI”);
    - Social Security Disability Income (referred to as “SSDI”); and
- Public and federally-assisted housing.  
  - Violating a condition of probation or parole means that there is either a warrant out alleging such a violation is outstanding or there is a judicial or administrative determination.  
  - A fleeing felon is someone who is fleeing to avoid prosecution, custody, or confinement after conviction for a crime, or an attempt to commit a crime, that is a felony under the laws of the state from which the individual flees (or, in jurisdictions that do not define crimes as felonies, the individual is fleeing to avoid prosecution of a crime punishable by death or imprisonment for more than one year).  
  - However, if you are violating a condition of probation or parole, or considered a fleeing felon, you remain eligible for Medicaid.  
  - Additionally, simply having an open warrant out for your arrest is not enough to be considered a fleeing felon under the law, since many people have open warrants and do not know about them.

- The Department of Social Services runs a national warrant check on any individual applying for Public Assistance.

- Housing

**Federally-Subsidized Housing**

Criminal consequences often also affect both the individual and their family’s likelihood of admission into public housing. In addition, for those families already enrolled in public housing criminal consequences may often include termination.

**TERMINATIONS OF TENANCY**

- I was never arrested or convicted of any criminal activity, can I still be evicted?
  - Yes. The PHA may evict you as long as they have some evidence that criminal activity occurred, even if you have not been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

- What types of criminal activity could evict me from public housing?
  - In addition to evicting those individuals who are required to register to the Lifetime Sex Offender Registration and individuals convicted of methamphetamine production, the PHA are allowed (but not required) to evict individuals who:

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- Illegally use drugs
- Abuse alcohol
- Lie or mislead on their applications about drug and alcohol abuse
- Are involved in criminal activity that threatens other resident’s health, safety, or right to peaceful enjoyment of the housing
- Are avoiding prosecution or custody after conviction for a felony or attempt to commit a felony (or a high misdemeanor in New Jersey)
- Are violating a condition of probation or parole

  Also, if **you, a member of your household, or any guest** is involved in any **drug-related criminal activity on or off of the public housing’s property**, you and your household may be evicted. **If there is someone the PHA finds is “under your control,” other than a guest, who engages in a drug-related activity on the public housing’s property, you may also be evicted.**

**If I am worried about the possibility of eviction from public housing or Section 8 housing, what can I do?**

- Before making its decision regarding your eviction, the PHA is allowed to consider all the circumstances that are relevant to your case.
- They look at: the seriousness of the criminal activity, how much the leaseholder has participated in the criminal activity, the effects that the eviction would have on the household members not involved in the activity, and if the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or lesson the criminal activity.
- You should try to provide evidence of treatment or rehabilitation if the activity is for drug or alcohol abuse. This includes evidence of completion of a drug counseling program or Certificates of Relief from Disabilities or Certificates of Good Conduct.

**Does one household member’s criminal activities mean that the entire household must be evicted?**

- No. The PHA can decide to evict only the member who has committed the criminal activity. However, the PHA can, and frequently does, evict entire families due to one person’s behavior.
- Often, the PHA will offer that instead of facing termination of the lease and eviction of the entire household, the head of the household can choose to permanently exclude an individual who was engaged in illegal or “non-desirable” activity. If you choose this, it will usually come with a probationary period, during which even a minor infraction can cause termination of the lease and eviction of the entire household.

**It is important to remember that exclusions in this case are often permanent, and continue even after the period of probation ends. PHA authorities can and will check up on your household to discover whether an excluded individual is visiting.**

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64 42 U.S.C. § 1437d(l)(6), (8) (2006); 24 C.F.R. § 982.553(b)(1)-(3)
How can my past criminal involvement affect my chances at getting public housing?

- Public Housing agencies and providers of Section 8 housing are allowed to obtain the criminal records of all applicants and tenants. If the Public Housing Authority ("PHA") (which is responsible for admissions into New York’s public housing program) and the New York City Housing Authority ("NYCHA") (what the PHA is called in New York City) are allowed to consider the "history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants." If the PHA finds that during a “reasonable time” before you applied for public housing you or any member of your household is, or was, involved in any drug-related or violent criminal activity or other criminal activity which would disrupt the health, safety, or right to peaceful enjoyment of the residents in the housing or public housing agency employees, then the PHA is allowed to deny your admission.

- If the PHA finds that a reasonable amount of time has passed since the criminal activity took place, the PHA may require that you give them evidence to show that no one in your household has since committed such illegal activity.

<table>
<thead>
<tr>
<th>What types of criminal activity will definitely bar admission to public housing?</th>
<th>Bar on Public Housing?</th>
<th>Bar on Section 8 Housing?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you or a member of your household are required to register with the Lifetime Sex Offender Registration</td>
<td>Yes. You and your household are not allowed to live in any public, federally assisted housing. If you live in this type of public housing at the time of your conviction, you will be evicted.</td>
<td>Yes. You and your household are not allowed to live in any Section 8 housing. If you live in this type of public housing at the time of your conviction, you will be evicted.</td>
</tr>
</tbody>
</table>

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73 *Id.* at § 13661(c)(2); 24 C.F.R. § 982.553(a)(2)(B) (2007).
If you or a member of your household have been convicted of manufacturing or in some way producing methamphetamine on the grounds of federally assisted public housing\(^{77}\)

Yes. Your applications for public, housing will be denied.\(^{78}\)

Yes. Your applications for Section 8 housing will be denied.

If you live in this type of public housing at the time of your conviction, you will be evicted\(^{79}\)

If you live in this type of public housing at the time of your conviction, you will be evicted.\(^{80}\)

**What types of criminal activity could bar (but may not bar) admission to public housing & Section 8 housing?**

<table>
<thead>
<tr>
<th>Drug-related activity</th>
<th>Bar on Public Housing?</th>
<th>Bar on Section 8 Housing?</th>
<th>What can you do to strengthen your application?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you or a member of your household has been evicted from any public housing due to drug-related criminal activity within the past 3 years</td>
<td>Yes.(^{82})</td>
<td>Yes.(^{83})</td>
<td>The PHA may waive the three-year bar and allow you to live in public housing if:</td>
</tr>
<tr>
<td>Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.(^{81})</td>
<td></td>
<td></td>
<td>(1) The individual who was evicted due to the drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) The criminal household member has died or is imprisoned, or there is another reason why the circumstances leading to the earlier eviction no longer exist(^{84})</td>
</tr>
</tbody>
</table>

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\(^{78}\) Id. § 1437n(f)(1).

\(^{79}\) Id. § 1437n(f)(2).

\(^{80}\) Id. § 1437n(f)(1).


\(^{84}\) Id. § 960.204(a)(1)(i)-(ii); 24 C.F.R. § 982.553(a)(1)(i)(A)-(B) (2007).
<table>
<thead>
<tr>
<th>You are not allowed to live in public housing if you or a member of your household is <strong>illegally using drugs</strong> or if the owner or PHA has reasonable cause to believe that an individual’s <strong>illegal use</strong> (or <strong>pattern of illegal use</strong> of drugs) could get in the way of other resident’s health, safety, or right to peaceful enjoyment of the housing</th>
<th>Yes. 85</th>
<th>Yes. 86</th>
</tr>
</thead>
<tbody>
<tr>
<td>You are not allowed to live in public housing if the owner or PHA has reasonable cause to believe that you or a member of your household’s <strong>abuse of alcohol</strong> (or <strong>pattern of abuse of alcohol</strong>), could get in the way of other resident’s health, safety, or right to peaceful enjoyment housing</td>
<td>Yes. 88</td>
<td>Yes. 89</td>
</tr>
</tbody>
</table>

If the PHA will not provide you with housing because of a household member’s pattern of drug use, you can strengthen your application if you can show:

1. that that individual has **successfully completed a supervised drug rehabilitation program** and is **no longer illegally using drugs**
   or
2. is **no longer illegally using drugs**
   or
3. is **participating in a supervised drug program** and is **no longer illegally using drugs**

If the reason the PHA will not provide you with housing is because of an individual’s pattern of illegal use of drugs, you can strengthen your application if you can show:

1. that individual has **successfully completed an alcohol rehabilitation program** and is **no longer abusing alcohol**
   or
2. is **no longer abusing alcohol**
   or
3. is **participating in a supervised alcohol rehabilitation program** and is **no longer abusing alcohol**

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If my application for public housing includes someone with a record of criminal activity, as described above, how can I strengthen my application for public housing?

- Include in your application:
  - Evidence of treatment or rehabilitation
  - This includes evidence of completion of a drug counseling program or Certificates of Relief from Disabilities and Certificates of Good Conduct.

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Evidence that your household is participating in, or willing to participate in, other social services or counseling programs.  

If you are denied admission or are evicted from public or Section 8 housing because of criminal activity, you **MUST** be provided with the grounds for denial or termination, a copy of your criminal record (if you have one), the other relevant PHA documents. You also must be given the opportunity to dispute the accuracy and relevance of it.

Each PHA may make standards for admission that are more restrictive than federal law requires. For more information regarding the consequences of criminal activity and public housing or Section 8 in **New York City**, the Legal Action Center — a non-profit law and policy organization dedicated to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records — has published a guide called *How to Get Section 8 or Public Housing Even with a Criminal Record: A Guide for New York City Housing Authority Applicants and their Advocates*, which is available at: http://www.lac.org/pubs/gratis/How_to_Get_Section_8_or_Public_Housing.pdf.

For a brief overview of what types of convictions can bar access to the New York City Public Housing see “Public Housing in New York City” in the Appendix.

**Immigration**

Non-citizens involved in the criminal justice system confront additional and severe civil consequences. It makes no difference if you have lived in the United States for a long time or if you have ties to the U.S. and family here, guilty pleas and convictions often lead to an immediate detention and the initiation of deportation proceedings.

What are the types of consequences non-citizen criminal defendants may face?

In addition to immediate detention and the start of deportation proceedings, some of the other consequences include:

- Not being able to get health insurance,
- Not being able to become a U.S. citizen or renew or obtain a green card,
- Not being able to return to the U.S. or at least for a certain amount of time, and
- Not being able to apply for asylum, even if faced with persecution in their home country.

What types of crimes cause these consequences?

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93 CIVIL ACTION PROJECT CIVIL ACTION PROJECT, supra note __, at 14.
96 Id.
97 Id.
In the area of immigration law it is difficult to make a simple list of specific types of crimes and their corresponding civil consequences.

However, it is important to understand that even low-level, nonviolent offenses (such as shop-lifting, drug possession, and turnstile-jumping) can lead to deportation.

Remember that anyone who is undocumented can be deported. Therefore, if you spend time in jail, even if in the end you are released and not convicted, you may risk disclosing your undocumented status to government officials. The government often questions people in custody regarding immigration issues.

There are some excellent guides and materials on the topic that offer a lot more information. Families for Freedom publishes a guide called Deportation 101: Detention, Deportation, and the Criminal Justice System, available on their website at: http://www.familiesforfreedom.org/resourcecenter.htm

Even if I have my green card, can I still be deported?

Yes.

You should contact an immigration lawyer to help figure out what steps you should take because depending on how long you have been living in the U.S. and what type of offense you are charged with, you may be able to avoid deportation by applying for relief.

Are there any organizations that can help me?

<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Contact Information</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>The New York State Defenders Association (“NYSDA”) Immigrant Defense Project</td>
<td><a href="http://www.immigrantdefenseproject.org">www.immigrantdefenseproject.org</a> (718) 858-9658 ext. 201</td>
<td>The NYSDA Immigrant Defense Project runs a hotline Tuesdays and Thursdays from 1:30 p.m. to 4:30 p.m. at 718-858-9658 ext. 201, or write to the Project at 25 Chapel Street, Suite 703, Brooklyn, N.Y. 11201.</td>
</tr>
</tbody>
</table>

98 Id.
99 Id.
Employment

- How can my past criminal involvement affect my chances at getting a job?
  - Public and private employers and occupational licensing agencies are not allowed to discriminate against applicants by denying them employment or a license based on any arrests that did not result in a conviction.\(^\text{102}\)
    - However, this rule does not apply to jobs in the police or law enforcement.\(^\text{103}\)
  - Employers also cannot have a policy of refusing to hire any person with a criminal history.\(^\text{104}\)
    - They can only deny employment on the basis of a conviction if the offense is directly related to the job in question and would create an unreasonable risk to the safety of people or property.\(^\text{105}\)

- Licensure
  - There are over one hundred occupations in New York that require a license, registration, or certification.\(^\text{106}\) Many of these carry with their requirements restrictions on individuals with criminal records. The Legal Action Center has compiled a guide called the New York State Occupational Licensing Survey to help individuals decide which licenses they can apply for. It can be accessed at: http://www.hirenetwork.org/pdfs/Occupational%20Licensing%20Survey%202006.pdf.

- Public Employment
  - There are also special rules for many public offices (such as, police officers, fire fighters, court officers, notary publics, and some elective offices).\(^\text{107}\)
  - Only certificates of good conduct (NOT certificates of rehabilitation) can allow a convicted employee to work in public employment\(^\text{108}\)

\(^\text{102}\) N.Y. EXEC. LAW § 296(16) (2007).
\(^\text{103}\) CIVIL ACTION PROJECT, supra note 29, at 11.
\(^\text{104}\) N.Y. CORRECT. LAW § 752 (2007); CIVIL ACTION PROJECT, supra note 29, at 11.
\(^\text{105}\) CIVIL ACTION PROJECT, supra note 29, at 11.
\(^\text{107}\) CIVIL ACTION PROJECT, supra note 29, at 10; LOVE, supra note 24, at NY5.
What are potential employers allowed to ask me regarding my criminal history?

- Employers are allowed to ask you if you have been **convicted** and, if so for information regarding the conviction(s).
  - It is important that you tell the truth and if the employer asks you to list all of your convictions then you must list all of them, including all violations, misdemeanors, and felonies. 109
  - However, if **you have only been convicted of a violation** and an employer asks you if you have ever been convicted of a crime, then you should say “no” because a **violation is not a crime**.110
  - You only need to mention your violations if the employer asks, “do you have any convictions on your record?” or “have you ever been convicted of an offense?”111
- Employers may legally ask if you have a current physical or mental condition that might stop you from doing the job.112
  - They may ask you about current or past illegal drug and alcohol use.113

What are employers NOT allowed to ask me regarding my criminal history?

- Employers **may NOT ask**:
  - if you have been **arrested**114
  - if you have ever been **addicted** to drugs or alcohol, or
  - if you have been **treated** for drug or alcohol **addiction**.115

If employers get your written permission, they are allowed to get a consumer report (also known as a “credit report”) which is a document that includes your past criminal convictions. The credit report is not supposed to contain information about other arrests or any non-criminal offenses, such as disorderly conduct.116

- If your salary will be under $25,000 per year, then employers can only see convictions from the last seven years.
- If your salary is $25,000 or more, then the employer may see all of your criminal convictions.117

Employers, and all other citizens, may also purchase copies of your Criminal History Record Search (“CHRS”) from the Office of Court Administration (“OCA”), the agency which operates all courts in New York State. These records are available to any member of the public for $52, even without your permission or consent. The search is conducted based on name and date of birth.

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108 CIVIL ACTION PROJECT, supra note 29, at 10; LOVE, supra note 24, at NY5.
109 LEGAL ACTION CENTER, ARE YOU SOMEBODY … 9 (2005); Parise, supra note 13, at 7.
110 Parise, supra note 13, at 7.
111 Id.
112 LEGAL ACTION CENTER, supra note 109, at 3.
113 Id. at 11.
114 Id. at 3; N.Y. Exec. Law § 296(16) (2007).
115 Id. at 11.
116 Id. at 4.
117 Id. at 2-3.
If an employer directly purchases your CHRS report, it will contain information about violation convictions that should be sealed, as well as charges that you were arrested for but never convicted of. However, it is rare that employers access this information; usually they purchase credit reports, as described above, which may not include your sealed convictions.

What can I do to increase my chances of getting a job even though I have a criminal history?

- Review your credit report and rap sheet and make sure that there are no errors before you apply for your job.
- For more information regarding your rap sheet, please see the section below on “Criminal Records.”
- Get a Certificate of Relief from Disabilities or a Certificate of Good Conduct. These show potential employers that according to New York State, you have been rehabilitated and that you are not likely to commit another offense.
  - For more information on these certificates, see “Certificates of Rehabilitation” below.
- Bring the employer letters of reference from people who you think an employer would be interested in hearing from, such as former employers, counselors, parole or probation officers.\(^ {118}\)

How do I get a copy of my credit report?

- There are three nationwide consumer reporting companies which are required to give a copy of your credit report annually and at no cost.
- You can contact them at:
  - annualcreditreport.com
  - 1 (877) 322-8228, or
  - complete the Annual Credit Report Request Form and mail it to: Annual Credit Report Request Service, P.O. Box 105821, Atlanta, GA 30348-5281. You can get a copy of the form at:

An excellent resource to help you understand your rights as they pertain to your juvenile and criminal records and employment is Know Your Rights: Understanding Juvenile & Criminal Records and Their Impact on Employment in New York State, by Laurie Parise, which is available at: http://www.lac.org/pubs/gratis/kyr.pdf.pdf.

**Criminal Records**

What is a rap sheet?

- A rap sheet is a record of your arrest and conviction in history. If you have ever been arrested and fingerprinted, you have a rap sheet.\(^ {119}\)

How do I get a copy of my rap sheet?

- If you were arrested in New York State, the New York State Division of Criminal Justice Services (“DCJS”) maintains your New York State rap sheet.

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\(^ {118}\) Legal Action Center, supra note 109, at 7.

\(^ {119}\) Legal Action Center, How to Get and Clean Up Your New York State Rap Sheet 8 (2003).
The FBI keeps the entire listing of criminal justice information provided by each state in the United States.

You can request a copy of your New York rap sheet by requesting and completing a Record Review Packet from DCJS, and following the directions for the completion and submission of a fingerprint card to DCJS along with a fee of $50. (There is no fee for the application packet itself, however a fee of $50 must be included when you complete the materials and return them to DCJS to obtain a copy of your records).  

- DCJS may waive the fee if you are currently incarcerated or if you send a copy of your Public Assistance or Medicaid card.  
- Note that a personal record review cannot be requested for another person.

You may request a Record Review Packet either by email, standard mail or phone using the contacts shown below.

- EMAIL:  
  RecordReview@dcjs.state.ny.us

- MAIL:  
  Record Review Unit  
  4 Tower Place  
  Albany, New York 12203-3764  
  You can also call them at (518) 485-7675.

You must give your complete name and mailing address in order to receive a packet. In the e-mail or letter to the DCJS, you should say:

  “Please send a copy of the Record Review Packet to me at the address provided. My mailing address is [fill in the blank with your address].”

You can also call the Legal Action Center at (212) 243-1313 to schedule an appointment about getting your rap sheet.

You can request a copy of your FBI rap sheet by writing to the:

FBI CJIS Division – Record Request  
1000 Custer Hollow Road  
Clarksburg, West Virginia 26306

Your letter should include:

- Your name, address, that you are requesting a personal record request pursuant to 28 C.F.R. § 16.30-16.34, and the address that you would like the results of the record check to be mailed to. You should also include your telephone number and/or e-mail address for them to contact you if they have any questions.

- If you have a reason or date by which you need the results by, then you should also mention that in your letter to the FBI.  
- You must also include a complete set of fingerprints and your date of birth and your place of birth and $18 a money order or certified check made

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122 Office of Justice Information Systems, supra note 120.
123 Id.
payable to the Treasury of the United States. You may also pay by credit card if you are not requesting to rush the record search.

- For more information regarding this process see the FBI’s website at: http://www.fbi.gov/hq/cjisd/fprequest.htm.
- Again, if you have questions about this process, you may call the Legal Action Center at (212) 243-1313.

Also in 2003, the Office of Court Administration began offering a statewide criminal history record search for $52 to anyone who requests the search and has a person’s date of birth. For more information regarding this criminal history record search see their website at: http://www.courts.state.ny.us/apps/chrs/.

What does it mean to have my arrests sealed?

- **You should have your arrests sealed if they did not result in a conviction.** You should also make sure your arrests for non-criminal offenses are sealed.
- Once these arrests or convictions are sealed, they are not supposed to appear on your rap sheet that is sent to employers.
- You can also call the Legal Action Center at (212) 243-1313 on Tuesday or Friday to find out more information.\(^{125}\)

How can I learn more about sealing my arrests and cleaning up rap sheets?

- The Legal Action Center has published a booklet to teach you how to get a copy of your rap sheet and then review and correct its mistakes. This booklet is called *How To Get and Clean Up Your Rap Sheet* and is available at: http://www.lac.org/pubs/gratis/NYS_Rap_Sheet_Final.pdf.

**Certificates of Rehabilitation**

**Generally**

What are Certificates of Rehabilitation?

- Certificates of Rehabilitation include Certificates of Relief from Disabilities and Certificates of Good Conduct. Their **purpose is to remove legal barriers (what the law calls “civil disabilities” – such as barriers to employment, licensing and housing – that you suffer because of your conviction)**.\(^{126}\)
- These Certificates also carry what is called the “presumption of rehabilitation” which a potential employer is supposed to consider when reviewing an applicant for employment.\(^{127}\)
- The major differences between the two types of certificates are who can apply for each and the application procedure.
  - Each certificate generally restores the same amount of rights to individuals (with the exception of applying for public offices as described below).\(^{128}\)

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\(^{125}\) Legal Action Center, *supra* note 109, at 5.

\(^{126}\) Legal Action Center, *supra* note 109, at 6-7.

\(^{127}\) N.Y. Correct. Law § 753 (2007).
How do I find out more information about these certificates?

- Contact your probation officer or the Legal Action Center on Tuesday or Friday at (212) 243-1313.
- You can also read the Legal Action Center’s Certificates of Relief from Disabilities and Certificates of Good Conduct: What You Can Do About Criminal Convictions When Looking for Work, which is available at: http://www.lac.org/pubs/gratis/certificates_of_rehabilitation.pdf.

Certificates of Relief from Disabilities

You are allowed to apply for a Certificates of Relief from Disabilities if you have only one felony conviction and any number of misdemeanor convictions.

- You must get a certificate for each conviction that you have. 129

Why should I apply for a Certificate of Relief from Disabilities?

- In addition to demonstrating rehabilitation, these certificates also remove most of the automatic forfeitures (or loss of rights, such as the right to vote) and disabilities (such being as barred from housing and employment) that occur when you are convicted of a crime and many state employment and licensing requirements.130
- These certificates may be written broadly to restore and remove many of the rights or barriers that occurred after your conviction, or they may be limited and only remove a certain right.

When can I apply for a Certificate of Relief from Disabilities?

- If you were convicted of any misdemeanors or a single felony that did not result in a state prison sentence to a time of imprisonment, you should ask for one at the time of your sentencing.
- If you were sentenced to time in a state correctional facility or if you live in New York with out-of-state convictions, you must apply to the New York State Board of Parole for a Certificate of Relief for that case.
  - You cannot apply if you are still incarcerated, but the Board of Parole will automatically consider giving you one when it reviews your application for release. 131
  - If you are on parole, then you should contact your parole officer.132

How do I apply for a Certificate of Relief from Disabilities?

- If you are applying to a court (so if you were convicted of a misdemeanor or if you were convicted of a felony but served no time in prison), each court has its own

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129 Civil Action Project, Bronx Defenders, Certificates to Demonstrate Rehabilitation: Why They are So Important and How to Get Them (2005); N.Y. CORRECT. LAW § 701-703 (2007).
130 Civil Action Project, supra note 129, at 1.
132 Civil Action Project, supra note 129, at 2; N.Y. CORRECT. LAW § 703 (2007).
application process so you should contact the clerk of the court or ask your probation officer.\textsuperscript{133}

\begin{itemize}
  \item You can request an application by calling (518) 485-8953 or by writing to:
    \begin{itemize}
      \item Certificate of Review Unit,
      \item New York State Division of Parole,
      \item 845 Central Avenue,
      \item Albany, New York 12206\textsuperscript{134}
    \end{itemize}
\end{itemize}

## Certificates of Good Conduct

- You are allowed to apply for a Certificate of Good Conduct if you have more than one felony conviction or one felony conviction but are applying for a public office.\textsuperscript{135}

- Why should I apply for a Certificate of Good Conduct?
  \begin{itemize}
    \item This certificate is similar to the Certificate of Relief from Disabilities, except it also removes the felony and misdemeanor bars to public offices.\textsuperscript{136}
    \item Public office positions include: law enforcement jobs (both in the police and fire department) and notary public positions, and elected officers.\textsuperscript{137}
  \end{itemize}

- When can I apply for a Certificate of Good Conduct?
  \begin{itemize}
    \item If the most serious crime you were convicted of is a misdemeanor, the minimum period of time you must wait is one year.
    \item If you were convicted of an A or B felony, then you must wait a minimum of five years from the completion of your sentence.
    \item If you were convicted of a C, D, or E felony, then you must wait a minimum period of three years from whichever is later of the time since your last conviction, payment of fine, or release from prison or parole.\textsuperscript{138}
  \end{itemize}

- How do I apply for a Certificate of Relief from Disabilities?
  \begin{itemize}
    \item You can request the application by calling (518) 485-8953 or writing to:
      \begin{itemize}
        \item Certificate of Review Unit,
        \item New York State Division of Parole,
        \item 845 Central Avenue,
        \item Albany, New York 12206\textsuperscript{139}
      \end{itemize}
  \end{itemize}

\textsuperscript{133} LEGAL ACTION CENTER, supra note 128, at 6.
\textsuperscript{134} LEGAL ACTION CENTER, supra note 128, at 6.
\textsuperscript{135} N.Y. CORRECT. LAW § 703-a (2007).
\textsuperscript{136} Civil Action Project, supra note 129, at 1.
\textsuperscript{137} LEGAL ACTION CENTER, supra note 128, at 10.
\textsuperscript{138} Id.; N.Y. CORRECT. LAW § 703-b(3) (2007).
\textsuperscript{139} LEGAL ACTION CENTER, supra note 128, at 8.
Appendix:

VOTER REGISTRATION

- **Am I allowed to register to vote?**
  In order to register to vote, you must meet 6 requirements. They are:
  1. be a United States citizen;
  2. be 18 years old by the date of the election in which you want to vote;
  3. be 18 years old by December 31st of the year in which you register;
  4. live at your present address at least 30 days before an election;
  5. not be in jail or on parole for a felony conviction and;
  6. not claim the right to vote elsewhere.\(^{140}\)

- **How do I register to vote?**
  - You may register **by phone** by calling **1-800-FOR-VOTE (1-800-367-8683)**
  - You may register **in-person** by either
    - going to your county board of elections office or at any New York State Agency-Based voter registration center
    - You can find out where these offices are by going to the New York State Board of Elections website at: [http://www.elections.state.ny.us](http://www.elections.state.ny.us) and clicking on the tab titled “Voting”
  - You may also **download** a copy of the application in both English and Spanish from the New York State Board of Elections website mentioned above

- **How much does it cost?**
  - It is free.

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New York City Public Housing

The following chart represents some of the convictions that will prevent you and your household from access to Public Housing and Section 8 housing.

<table>
<thead>
<tr>
<th>What types of criminal activity will bar admission to NYCHA public housing?(^{141})</th>
<th>Then, you and your household are not allowed to live in New York City Public Housing:</th>
</tr>
</thead>
</table>

\(^{140}\) New York State Board of Elections Homepage, http://www.elections.state.ny.us/portal/page?_pageid=35,1,35_8336;35_8345&_dad=portal&_schema=PORTAL (last visited May 10, 2007)

\(^{141}\) The information in this chart was taken from the chart found in CIVIL ACTION PROJECT, supra note _, at 18; see also LEGAL ACTION CENTER, HOW TO GET SECTION 8 OR PUBLIC HOUSING EVEN WITH A CRIMINAL RECORD: A GUIDE FOR NEW YORK CITY HOUSING AUTHORITY APPLICANTS AND THEIR ADVOCATES, available at http://www.lac.org/pubs/gratis/How_to_Get_Section_8_or_Public_Housing.pdf. For a complete list of convictions that bar individuals from Public Housing and Section 8 housing see id. at 23, 35.
If you are subject to a **lifetime registration** requirement under a **state sex offender registration** program, until you are **no longer subject to a lifetime registration requirement**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Duration after serving the sentence (including completion of probation/parole and payment of fine)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Class A, B, and C Felonies</strong></td>
<td><strong>6 years</strong></td>
</tr>
<tr>
<td><strong>Class D and E felonies</strong></td>
<td><strong>5 years</strong></td>
</tr>
<tr>
<td><strong>Class A Misdemeanors</strong></td>
<td><strong>4 years</strong> if convicted of 3 or more misdemeanors or any number of felonies within the past 10 years or <strong>5 years</strong> otherwise.</td>
</tr>
<tr>
<td><strong>Class B or unclassified Misdemeanors</strong></td>
<td><strong>3 years</strong> if convicted of 3 or more misdemeanors or any number of felonies within the past 10 years or <strong>4 years</strong> otherwise.</td>
</tr>
<tr>
<td><strong>Violations or DWI</strong></td>
<td><strong>2 years</strong> if convicted of 3 or more misdemeanors or any number of felonies within the past 10 years or <strong>3 years</strong> otherwise.</td>
</tr>
</tbody>
</table>

**What types of criminal activity will bar admission to Section 8 housing?**

Then, you and your household are not allowed to live in Section 8 Housing:

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142 DEPT. OF HOUSING APPLICATIONS MANUAL 17 (2001).
If you are subject to a **lifetime registration** requirement under a **state sex offender registration** program until you are **no longer subject to a lifetime registration requirement**

<table>
<thead>
<tr>
<th>Class</th>
<th>Offenses</th>
<th>Registered for</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, B, or C</td>
<td><strong>Violent Behavior, Controlled Substances or Alcohol Related Offenses</strong></td>
<td><strong>6 years</strong></td>
<td>If the person is currently imprisoned and cannot be released less than 10 years from the date of eligibility interview, the family is not ineligible on this ground.</td>
</tr>
<tr>
<td>D or E Felonies</td>
<td><strong>Violent Behavior, Controlled Substances or Alcohol Related Offenses</strong></td>
<td><strong>5 years</strong></td>
<td>If the person is currently imprisoned and cannot be released less than 10 years from the date of eligibility interview, the family is not ineligible on this ground.</td>
</tr>
<tr>
<td>A Misdemeanors</td>
<td>Based on <strong>Controlled Substances or Alcohol Related Offenses</strong></td>
<td><strong>4 years</strong></td>
<td>If the person has been convicted of 3 or more misdemeanors involving drugs, alcohol, or violent felonies within the past 10 years.</td>
</tr>
<tr>
<td>B or unclassified Misdemeanors</td>
<td>Based on <strong>Controlled Substances or Alcohol Related Offenses</strong></td>
<td><strong>3 years</strong></td>
<td>If the person has been convicted of 3 or more misdemeanors involving drugs, alcohol, or violent felonies within the past 10 years.</td>
</tr>
<tr>
<td>Violations or DWI Infractions</td>
<td>Based on <strong>Controlled Substances or Alcohol Related Offenses</strong></td>
<td><strong>2 years</strong></td>
<td>If the person has been convicted of 3 or more misdemeanors involving drugs, alcohol, or violent felonies within the past 10 years.</td>
</tr>
</tbody>
</table>
New York Guide:
Who to Call When Trying to Find Out if an Individual Has Been Arrested

Depending on where you think the individual has been arrested, here are the numbers to call organized by county. In addition to calling these numbers, you should also check with the New York State Police Department in the area where you think that person may have been arrested. For these phone numbers, visit the New York State Police Department’s website, available at: [http://www.troopers.state.ny.us/Contact_Us/Troop_INFORMATION/](http://www.troopers.state.ny.us/Contact_Us/Troop_INFORMATION/).

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>IF YOU ARE TRYING TO FIND OUT IF AN INDIVIDUAL HAS BEEN ARRESTED, WHO SHOULD YOU CALL?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany County</td>
<td></td>
</tr>
<tr>
<td>Albany County Sheriff’s Department</td>
<td>(518) 487-5440</td>
</tr>
<tr>
<td>Albany City</td>
<td>(518) 461-8049 &amp; ask to speak to booking</td>
</tr>
<tr>
<td>Altamont Village</td>
<td>(518) 861-8554</td>
</tr>
<tr>
<td>Bethlehem Town</td>
<td>(518) 439-9973</td>
</tr>
<tr>
<td>Coeymans Town</td>
<td>(518) 756-2059</td>
</tr>
<tr>
<td>Cohoes City</td>
<td>(518) 237-5333</td>
</tr>
<tr>
<td>Colonie Town</td>
<td>(518) 783-2744</td>
</tr>
<tr>
<td>Green Island Village</td>
<td>(518) 273-2401</td>
</tr>
<tr>
<td>Guilderland Town</td>
<td>(518) 356-1980</td>
</tr>
<tr>
<td>Menands Village</td>
<td>(518) 463-1681</td>
</tr>
<tr>
<td>Ravena Village</td>
<td>(518) 756-2004</td>
</tr>
<tr>
<td>Watervliet City</td>
<td>(518) 270-3833</td>
</tr>
<tr>
<td>Allegany County</td>
<td>(585) 268-9200 &amp; ask to speak to intake</td>
</tr>
<tr>
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</tr>
<tr>
<td>Bronx County</td>
<td>Central Booking at (718) 298-0736 &amp; ask for the individual’s arrest number</td>
</tr>
<tr>
<td></td>
<td>If you have the arrest number or if you are unable to get one, you call the Criminal Court Arraignment Clerk at (718) 590-2886 &amp; ask when and in what courtroom the person will be arraigned</td>
</tr>
<tr>
<td>Broome County</td>
<td>(607) 778-2105</td>
</tr>
<tr>
<td>Cattaraugus County</td>
<td>(716) 938-9191</td>
</tr>
<tr>
<td>Cayuga County</td>
<td>(315) 253-5212</td>
</tr>
<tr>
<td>Chautauqua County</td>
<td>(716)753-2926</td>
</tr>
<tr>
<td>Chemung County</td>
<td>(607) 737-2948</td>
</tr>
<tr>
<td>Chenango County</td>
<td>(607) 334-2000</td>
</tr>
<tr>
<td>Clinton County</td>
<td>(518) 565-4300</td>
</tr>
<tr>
<td>Columbia County</td>
<td>They do not release information regarding arrests over the phone. You would need to go to the Sheriff’s Office at 85 Industrial Tract, Hudson, New York 12534. For more information call (518)828-0601.</td>
</tr>
<tr>
<td>Cortland County</td>
<td>For arrests that may have taken place in the City of Cortland call (607) 753-3001. For arrests that probably took place in Cortland County, outside the City call the Sheriff’s Office at (607)753-3311.</td>
</tr>
<tr>
<td>Delaware County</td>
<td>Not Available</td>
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<tr>
<td>County</td>
<td>Contact Information</td>
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<tr>
<td>Dutchess County</td>
<td>• Not Available</td>
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<tr>
<td>Erie County</td>
<td>• (716) 858-2175 or 758-2174</td>
</tr>
<tr>
<td>Essex</td>
<td>• (518) 873-6321</td>
</tr>
<tr>
<td>Kings County (Brooklyn)</td>
<td>• (718) 935-9249 &amp; ask for the individual’s arrest number</td>
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<tr>
<td></td>
<td>• If you have the arrest number or if you are unable to get one, you call the</td>
</tr>
<tr>
<td></td>
<td>Criminal Court Arraignment Clerk at (718) 643-5675 &amp; ask when and in what</td>
</tr>
<tr>
<td></td>
<td>courtroom the person will be arraigned</td>
</tr>
<tr>
<td>Franklin County</td>
<td>• (518) 483-6795</td>
</tr>
<tr>
<td>Fulton County</td>
<td>• (518) 736-2100 and they will direct you to the correct office</td>
</tr>
<tr>
<td>Genesee County</td>
<td>• (585) 343-0838</td>
</tr>
<tr>
<td>Greene County</td>
<td>• (518) 943-3527</td>
</tr>
<tr>
<td>Hamilton County</td>
<td>• (518) 548-3113</td>
</tr>
<tr>
<td>Herkimer County</td>
<td>• (315) 867-1252</td>
</tr>
<tr>
<td>Jefferson County</td>
<td>• (315) 788-1441</td>
</tr>
<tr>
<td>Lewis County</td>
<td>• (315) 376-3511</td>
</tr>
<tr>
<td>Livingston County</td>
<td>• (585) 243-7180</td>
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<td>County</td>
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<tr>
<td>Madison County</td>
<td>(315) 366-2300</td>
</tr>
<tr>
<td>Monroe County</td>
<td>(585) 753-4138</td>
</tr>
<tr>
<td>Montgomery County</td>
<td>(518) 853-5500</td>
</tr>
<tr>
<td>Nassau County</td>
<td>(516) 573-7000</td>
</tr>
<tr>
<td>New York County (Manhattan)</td>
<td>(212) 374-3921 &amp; ask for the individual’s arrest number</td>
</tr>
<tr>
<td>Niagra County</td>
<td>(716) 438-3446</td>
</tr>
<tr>
<td>Oneida County</td>
<td>(315) 768-7804</td>
</tr>
<tr>
<td>Onondaga County</td>
<td>(315) 435-1770</td>
</tr>
<tr>
<td>Ontario County</td>
<td>(585) 396-1800</td>
</tr>
<tr>
<td>Orange County Jail</td>
<td>(845)291-4033</td>
</tr>
<tr>
<td>Orleans County</td>
<td>(585) 589-4310</td>
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<tr>
<td>Oswego County</td>
<td>(315) 349-3300</td>
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<td>Otsego County</td>
<td>(607) 547-4273</td>
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<td>County</td>
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<tr>
<td>Putnam County</td>
<td>(845) 225-5255</td>
</tr>
<tr>
<td>Queens County</td>
<td>(718) 268-4523 &amp; ask for the individual’s arrest number</td>
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<tr>
<td>Rensselaer County</td>
<td>(518) 270-5448, ext. 274</td>
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<tr>
<td>Richmond County</td>
<td>(718) 876-8493 &amp; ask for the individual’s arrest number</td>
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<tr>
<td>Rockland County</td>
<td>(845) 638-5600</td>
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<td>Saint Lawrence County</td>
<td>(315) 379-2367</td>
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<td>Saratoga County</td>
<td>(518) 885-2480</td>
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<td>Schenectady County</td>
<td>(518) 388-4300</td>
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<td>Schoharie County</td>
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<td>Seneca County</td>
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<tr>
<td>Dobbs Ferry</td>
<td>(914) 693-5500</td>
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<tr>
<td>Eastchester</td>
<td>(914) 961-3464</td>
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<td>Elmsford</td>
<td>(914) 592-8383</td>
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<td>Greenburgh</td>
<td>(914) 682-5300</td>
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<td>Harrison</td>
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<td>Hastings</td>
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<td>Irvington</td>
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<tr>
<td>Larchmont</td>
<td>(914) 834-1000</td>
</tr>
<tr>
<td>Lewisboro (South Salem)</td>
<td>(914) 763-8903</td>
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<tr>
<td>Mamaroneck Town</td>
<td>(914) 381-6100</td>
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<tr>
<td>Mamaroneck Village</td>
<td>(914) 777-1122</td>
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<tr>
<td>Mount Kisco</td>
<td>(914) 241-1100</td>
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<tr>
<td>Mount Pleasant (Valhalla)</td>
<td>(914) 769-1941</td>
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<tr>
<td>Mount Vernon</td>
<td>(914) 665-2500</td>
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<tr>
<td>New Castle (Chappaqua)</td>
<td>914-238-4422</td>
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<tr>
<td>New Rochelle</td>
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<tr>
<td>North Castle (Armonk)</td>
<td>(914) 273-9500</td>
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<tr>
<td>North Salem</td>
<td>(914) 277-3651</td>
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<tr>
<td>Ossining Twn (Briarcliff Manor)</td>
<td>(914) 762-6007</td>
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<td>(914) 941-4099</td>
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<td>Peekskill</td>
<td>(914) 737-8000</td>
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<td>Pelham Manor</td>
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<td>Port Chester</td>
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<td>Pound Ridge</td>
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<td>Rye Brook</td>
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<td>Scarsdale</td>
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<td>Sleepy Hollow</td>
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<td>Somers</td>
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<td>Tarrytown</td>
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<td>Tuckahoe</td>
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<tr>
<td>White Plains</td>
<td>(914) 422-6111</td>
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<td>Yonkers</td>
<td>(914) 377-7900</td>
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<tr>
<td>Yorktown Hts.</td>
<td>(914) 962-4141</td>
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<tr>
<td>Wyoming County</td>
<td>(585) 786-8808</td>
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<tr>
<td>Yates</td>
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