

LONG ISLAND

Old crime, new start

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A former Nassau County resident convicted of a misdemeanor in the 1980s became the first person to have his criminal record sealed by a Long Island court under a new state law aimed at giving nonviolent offenders a clean slate.

The man's attorney, Rick Collins of Mineola, said his client's request to have his criminal record sealed was approved Thursday by a Nassau County court under a law intended to remove obstacles to jobs and housing for people with nonviolent criminal records.

Many employment and housing applications ask applicants if they have been convicted of a felony or other crimes, and Collins said the sealing law that went into effect Oct. 7 gives low-level offenders whose criminal records have been sealed a legal way to sidestep those questions.

"New York was one of a minority of states that provided no opportunity for second chances," said Collins, a former Nassau County prosecutor who co-authored a New York State Bar Association report that helped spur passage of the measure. "For people convicted of low-level felonies and misdemeanors, this law will provide a fresh start. A criminal conviction, particularly a felony conviction, can have devastating implications on employment, housing and other things."

Another Collins client, a man who was convicted on a felony drug charge when he was in his early 20s, said he is applying to have his record sealed to alleviate a sense of worthlessness that has hung over him for nearly two decades. He said he was once rejected for a job after he told the employer about the conviction because the employer said he didn't trust ex-cons.

"I want to bury this," said the man, who works in health care and requested ano-



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nymity. "It made me insecure about my future. I was afraid and embarrassed for a long time."

People who have already paid fines or served sentences for crimes such as driving under the influence, shoplifting or minor drug transaction should not have to face a lifetime of consequences, agreed Scott Banks of the Legal Aid Society of Nassau County.

"This is a good step for people who made a mistake at a time in their lives when they were younger," Banks said. "People change and the law should give them a chance to

improve themselves."

The sealing law, which was included in the budget passed by the State Legislature in April, allows defendants to apply to permanently seal up to one felony or two misdemeanors that are at least a decade old. Sex offenders and violent felons are not eligible.

Landlords and employers will not have access to the sealed criminal records, but law-enforcement officials — including U.S. Immigration and Customs Enforcement — will.

Offenders interested in having past convictions sealed have to file applications

with the court where they were sentenced. Prosecutors are notified of the applications and have 45 days to file objections.

Nassau County District Attorney Madeline Singas said her office supports the sealing law.

"We welcome this sensible provision that will help many who have lived law-abiding lives for a decade or more to remove the stigma of a minor criminal conviction," she said, "while ensuring that law enforcement retains access to important information that is essential to protecting the public."

Khalil Cumberbatch of the Fortune Society, which offers support to people after they have been released from prison, said the law is a boon for New York communities and taxpayers, too. Giving offenders access to jobs will keep them off welfare rolls and discourage recidivism, he said.

"If they [offenders] don't have access to everything they need to provide for themselves and their families, they will turn to crime and that will make our communities less safe," said Cumberbatch, the Fortune Society's associate vice president for policy. "This will undoubtedly have a positive impact on the lives of thousands of New Yorkers."

Collins said he hopes the law persuades criminal defense attorneys to consider the full impact of plea bargains before taking

that route with a client. Poor defendants agree to plea deals because they can't afford to hire a lawyer to represent them in a trial, he said. Defendants with resources, meanwhile, agree to plea bargains because they want to avoid the risks, hassles and embarrassment of a trial.

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"Many criminal defense attorneys don't think about the collateral damage down the road," Collins said. "They think about keeping their clients out of jail and getting the lowest charge possible."

Collins, the co-chairman of the New York State Bar Association Criminal Justice Section Sealing Committee, said the measure builds on 2009 legislation that permitted defendants to apply to have their criminal records sealed once they completed a drug-treatment program.

"This didn't help the vast majority of people who didn't have a drug problem," Collins said.

The new bill is far from perfect: Collins said employers and landlords could learn about an applicant's criminal past from news media websites. "The internet is forever," he said.

Banks said it does not offer much relief for people who were charged with multiple drug felonies by aggressive prosecutors during the height of the war on drugs. Immigrants could still face deportation.

Fast Facts

The law allows applicants to permanently seal records of convictions of up to one felony or two misdemeanors.

The convictions must be at least a decade old.

Sex offenders and violent felons are not eligible.

Prosecutors have up to 45 days to file an objection to an application.