

Criminal History Records: Frequently Asked Questions (FAQs)

1. How do I obtain a copy of my New York State criminal history?

An individual can request a Personal Record Review to obtain a copy of his or her criminal history record information maintained at the New York State Division of Criminal Justice Services (DCJS) or a "no record" response indicating that he or she has no criminal history record information on file with the agency.

An attorney may also request this information on behalf of his or her client.

Individuals cannot request a Personal Record Review for another person in order to determine if that person has a criminal history.

There are two types of Personal Record Review responses:

Personal Record Review – Unsuppressed

- This response contains **all** criminal history records, including those suppressed or sealed under New York State Criminal Procedure Law (CPL), including:
 - CPL 160.50 dismissed cases
 - CPL 160.55 eligible violation/infracton convictions
 - CPL 160.58 eligible substance abuse and related convictions
 - CPL 720.35 youthful offender adjudications
 - Individual charges dismissed in court and the equivalent arrest charges, if the case was disposed on or after Nov. 1, 1991.

Personal Record Review – Suppressed

- This response does not include sealed or suppressed information, as detailed above.

An individual or his or her attorney must choose to receive either an unsuppressed or suppressed Personal Record Review response. If both responses are needed, a separate request must be submitted for each response.

Please Note: Children younger than 11 years old cannot be fingerprinted for a Personal Record Review

Individuals who believe they have a criminal history record under more than one name must include those name(s) as aliases on the Personal Record Review application and fingerprint card. This information will help DCJS locate additional sealed records.

You may use your Personal Record Review response for any personal reason.

An employer or licensing entity cannot ask you to provide this information as a condition of obtaining or continuing a job or holding a license: this is prohibited by New York State Labor Law. This law does not apply to: employees of state or municipal departments; employees of legally incorporated hospitals, and employees of medical colleges associated with such hospitals; and employees of private proprietary hospitals.

Access to criminal history records for employment or licensing is only permitted if there is a state law, federal law, or local law of a New York State village, town, city or county that specifically authorizes a fingerprint-based criminal history record check for employment or licensure.

State Labor Law also requires every employer to post a copy of New York State Correction Law Article 23-A, which deals with the licensing and employment of individuals convicted of crimes. The information must be posted in a place accessible to employees.

How to request a Personal Record Review while living in NYS

1. Contact MorphoTrust USA to schedule an appointment to have your fingerprints taken: visit <https://uenroll.identogo.com/> or call 1-877-472-6915.
2. You must provide the following information, either online or by phone:
 - a. One of the following Personal Record Review service codes:
 - For a Suppressed Record: 15464Z
 - For an Unsuppressed Record: 15465F
 - b. If your response will be sent to your attorney, instead of you.
3. You must provide the following at your fingerprinting appointment:
 - a. One form of identification. Visit https://uenroll.identogo.com or call 1-877-472-6915 for information about acceptable forms of identification.

AND

- b. Payment: \$62. Credit cards, checks and money orders are accepted. Personal or business checks, certified checks, bank checks or money orders must be made out to "MorphoTrust USA".

After Submitting Your Personal Record Review request:

- You can verify that your fingerprint transaction has been submitted to DCJS by contacting MorphoTrust USA: 1-877-472-6915.
- You will receive your Personal Record Review from DCJS via U.S. mail within seven to 10 business days after the agency receives your. Responses cannot be picked up at DCJS.

- Your response may include one or more of the following: your criminal history record, information about fingerprints you submitted as required by law for employment, licensing or other purpose, or a “no record” response.
- You also will receive information explaining how to challenge the accuracy of any reported information.

[How to request a Personal Record Review while living outside of NYS](#)

[How to request a Waiver of the DCJS Record Review Fee](#)

2. How can I correct information on my criminal history record that is wrong or incomplete?

Criminal history record information is provided to DCJS by criminal justice agencies, including police departments, the courts, probation departments and the state Department of Corrections and Community Supervision. Criminal history records also are commonly referred to as “rap sheets.”

Individuals who believe their personal criminal history records maintained by DCJS are incomplete or inaccurate can use the “challenge” process to provide supporting documentation so that incorrect or incomplete data can be fixed.

The DCJS Record Review Unit handles the challenge process. For more information or to submit a challenge to a criminal history record, contact the unit by:

E-mail:

RecordReview@dcjs.ny.gov

OR

Surface Mail:

Record Review Unit
New York State Division of Criminal Justice Services
80 South Swan St.
Albany, New York 12210

The following steps must be taken to challenge the accuracy or completeness of a criminal history record involving:

- **Arrest Information:** To change or correct arrest information, such as arrest charges, date of arrest or date of crime, individuals must contact the agency that made the arrest and request that the agency submit the changes to DCJS. The agency must submit the changes in writing in order for DCJS to update the criminal history record information.

- **Disposition Information:** To change or correct existing disposition information, or to update missing disposition information, individuals must contact the court that handled the case and request a certified copy of the disposition. Individuals must then send the certified copy of the disposition to DCJS. Photocopies are not acceptable unless they contain a raised seal placed on the document by the court.
- **Unsealed Arrest and/or Conviction Information:** Individuals who believe that arrests or convictions should be sealed must contact the court that handled the case and request a certified sealing order. Individuals must then send the certified sealing order to DCJS. Photocopies are not acceptable unless they contain a raised seal placed on the document by the court.

Please Note: New York State law does not allow for adult (defined as individuals 16 years or older) arrest or conviction records to be expunged (erased).

Certain convictions or a record related to an arrest resulting in a termination of the case in favor of an individual, such as dismissal or acquittal, may be sealed. Sealing means that information is not included on a criminal history record, however, there are limited circumstances when a sealed record can be released.

Examples are as follows:

- In response to a fingerprint-based criminal history background check on an individual applying for a peace/police officer job;
- In response to a check on an individual seeking a firearms license;
- As a result of a court order; and
- In response to an individual's request for his or her own criminal history record. An attorney also can request a criminal history record on behalf of a client. To receive criminal history record information with sealed information included, an individual or his or her attorney must request an unsuppressed (unsealed) record.

3. How do I obtain a certificate of relief from disabilities?

A certificate of relief may be issued by a court or the New York State Department of Corrections and Community Supervision (DOCCS). The certificate removes restrictions barring individuals who have been convicted of misdemeanors, or up to one felony, from certain types of employment and/or from obtaining certain licenses.

Individuals seeking a certificate of relief must contact the court that handled their case or visit the DOCCS website at www.doccs.ny.gov for information on how to apply.

4. How do I obtain a certificate of good conduct?

A certificate of good conduct may be issued by DOCCS. This certificate removes certain employment and licensure restrictions imposed on individuals who have been convicted of two or more felonies, and may restore the right of the individual to hold public office.

Individuals seeking a certificate of good conduct can visit the DOCCS website at www.doccs.ny.gov for information on how to apply.

5. I was convicted of a misdemeanor or felony in New York State more than 10 years ago. How do I get the conviction expunged?

New York State law does not allow for adult (defined as individuals at least 16 year old) arrest or conviction records to be expunged (erased). Certain convictions or a record related to an arrest resulting in a termination of the case in favor of an individual, such as dismissal or acquittal, may be sealed.

Sealing means that information is not included on a criminal history record, however, there are limited circumstances when a sealed record can be released.

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- In response to a check on an individual seeking a firearms license;
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[New York State Youth Pardon Program](#)

6. Can an individual obtain a copy of someone else's criminal history record information?

No. Only an attorney can request a criminal history record on behalf of his or her client. Those requests must be submitted in writing.

7. Does DCJS perform criminal background checks?

Yes. DCJS performs fingerprint-based criminal history record information background checks for employment and licensing purposes for a fee.

8. Who can request a background check?

An individual can request his or her own criminal history record information or authorize an attorney to do so on his or her behalf.

Criminal History Record Information maintained by the DCJS may only be released to entities having statutory authority to access that information or pursuant to a judicial order or subpoena.

New York State Executive Law defines the “qualified agencies” that are eligible to access criminal history record information.

Access to criminal history record information for employment or licensing is permitted only if there is a state law, federal law, or local law of a New York State village, town, city or county that specifically authorizes a fingerprint-based criminal history record background check.

9. If an agency is authorized by law to request a fingerprint-based background check for a certain type of job/license application, what fees are charged?

- The standard DCJS processing fee for a fingerprint-based criminal background check is \$62.
- The standard Federal Bureau of Investigation (FBI) fee for a fingerprint-based criminal background check is \$14.75.
- An additional fee may apply if an agency chooses to use MorphoTrust USA to submit fingerprints to DCJS. Applicants should contact the agency that directed them to MorphoTrust USA for the current fee.

10. When a fingerprint card is submitted to DCJS for a criminal history background check, how long does it take for results to be sent to the agency that requested the check?

Fingerprint-based criminal background checks submitted electronically to DCJS are typically processed within two business days of receipt. Hard-copy requests can take up to five business days.